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HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

ORDINANCE NO. X OF 1999.

An Ordinance to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.



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HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR
SPECIAL SECRETARIAT (WAR WORK BRANCH).

Ordinance No. X of 1999.

AN ORDINANCE TO MAKE PROVISION FOR THE GRANT OF RELIEF IN RESPECT OF CERTAIN PERSONAL INJURIES SUSTAINED DURING THE CONTINUANCE OF THE PRESENT HOSTILITIES.

WHEREAS an emergency has arisen which renders it necessary to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities ;

Now therefore in pursuance of the powers vested in us under section 5 of the Jammu and Kashmir Constitution Act, 1996 We are hereby pleased to promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Injuries Ordinance, 1999.
Short title extent and commencement.

(2) It extends to the whole of the Jammu and Kashmir State.

(3) It shall come into force at once.

(4) It shall cease to be law from such date as His Highness may by order declare to be the end of the emergency which was the occasion of its promulgation.

INTERPRETATION.

2. In this Ordinance, unless there is any thing repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Ordinance and the scheme ;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained ;

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Ordinance and ending with such date as the Government may, by notification in the Government Gazette, declare to be the date on which the present hostilities terminated ;

(4) "gainfully occupied person" means a person who is engaged in any trade, business profession, office, employ-

ment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent ;

(5) "scheme" means a scheme made under this Ordinance ;

(6) "war injury" means a physical injury—

(a) caused by—

- (i) the discharge of any missile (including liquids and gas) or
- (ii) the use of any weapon, explosive or other noxious thing, or
- (iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Highness or any allied power, or any part of, or anything dropped from, any such aircraft ;

(7) "war service injury", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity ;

Provided that before being so satisfied the Government or other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Ordinance providing for the grant of relief in respect of the following injuries sustained during the continuance of the

Power to make schemes for relief in respect of war injuries and war service injuries.

present hostilities, namely :—

(o) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in

the scheme) and by persons of such other classes as may be so specified ; and

(b) war service injuries sustained by civil defence volunteers

2) A scheme may authorise the Government, or any authority authorised by the Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured:—

(a) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (b) ;

(b) payments otherwise than by way of temporary allowance which shall be payable only where the injury causes serious and prolonged disablement or death ; and

(c) payments for the purchase of or the grant at the cost of Government of artificial limbs or surgical or other appliances and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make regulations for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority as the case may be but save in so far as it is so varied shall be final and conclusive.

4. (i) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section would whether by virtue of any enactment or by virtue of any contract or at common law, be payable.—

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury, sustained by

a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer, on the ground that the injury, in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if.—

(a) an application for a payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(b) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(c) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(d) the proceedings are commenced within one month from the date of the said certificate.

5. (1) Where it is necessary in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may by notice in writing require:—

(a) any person who was an employer of the injured person during that period, or

(b) any other person having any knowledge with respect to the financial circumstances of the injured person during that period;

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

Information as to earnings.

(2) If any person.—

(a) fails to comply with the requirements of any such notice, or

(b) in purported compliance with any such notice knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive, he shall be punishable with fine which may extend to three hundred rupees

5-A (i) The person managing any dispensary or hospital shall if so required by the Government by general or special order :—
Medical attention in dispensaries and hospitals.

(a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply when so required with the provisions of this section he shall be punishable with fine which may extend to one thousand rupees.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.
Penalty for false statement.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.
Assignments or charges to be void.

(Sd.) HARI SINGH,

MAHARAJA,

Jammu and Kashmir.

Notification.

In exercise of the powers conferred by sub-section (1) of section 3 of the War Injuries Ordinance, 1999, the Government are pleased to make the following Scheme, namely :—

PART I.**INTRODUCTORY.**

1. (1) This Scheme may be called the War Injuries Scheme, 1999.
Short title and commencement.

(2) It shall come into force at once

2. (1) The General Clauses Act, 1977 (XX of 1977), applies to the interpretation of this Scheme as it applies to the interpretation of an Act.
Interpretation.

(2) In this Scheme :—

(a) "Ordinance" means the War Injuries Ordinance, 1999.

(b) "civil defence organisation" means any such organisation as is mentioned in clause 3 of this scheme ;

(c) "claims officer" means any authority appointed by the Government to make payments under this scheme ;

(d) "competent medical authority" means any medical authority appointed for the purposes of this scheme by the Government ;

(e) "injury for which relief may be given on the higher scale" means an injury which is :—

(i) a war injury sustained by a civil defence volunteer which is shown to the satisfaction of the Claims Officer to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, or

(ii) a war injury sustained by a person engaged in any employment specified in this behalf by the Government, if on the day on which the injury was sustained he was on duty in connection with that employment or would have been on duty sent for that day being a recognised holiday or day of rest or for his being casually absent from duty on account of illness or other similar cause, or for

any other reason which in the opinion of the Claims Officer was good and sufficient.

(f) "public funds" means money provided by the Government or by a local authority

(g) "qualifying injury" means an injury in respect of which a payment under this scheme may be made.

3. It is hereby declared that the organisations of persons specified in the Schedule I to this Scheme are "civil defence organisations" for the purposes of the Ordinance and this scheme.

Civil defence organisations for purposes of Ordinance and Scheme.

4. Subject to the provisions of this Scheme a payment under Scheme may be made in respect of any injury sustained during continuance of the present hostilities which is :—

Injuries in respect of which awards may be made.

(a) a war service injury sustained by a civil defence volunteer, or

(b) a war injury sustained by a gainfully occupied person, or

(c) a war injury sustained by any such other person or persons of such other class as may be notified in this behalf by the Government, or

(d) a war injury causing death, sustained by a person substantially dependant for his livelihood on a pension, annuity or other income ceasing with his death.

PART II.

TEMPORARY ALLOWANCE.

5. Where a qualifying injury has incapacitated a person for work for a period of not less than seven consecutive days that person shall be entitled to be awarded in respect of that injury an allowance (in this Scheme referred to as a temporary allowance) in accordance with the following provisions of this Scheme.

6. A temporary allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.

Award of temporary allowance.

7. Temporary allowance shall be paid half-monthly in arrears on the 1st and 16th of each month. If the incapacity for work ceases during a

Mode of payment.

half monthly period, no payment shall be made unless during that period the incapacity has existed for not less than seven days, in which case the payment shall be proportionately reduced.

8. Temporary allowances shall, subject to the provisions of clause 32 of this Scheme be payable at the following rates, namely.—
Rates of temporary allowance.

(a) where the injury is one for which relief may be given on the higher scale, at the half-monthly rate of nine rupees ;

(b) in the case of any other injury, at the half monthly rate of six rupees and twelve annas.

9. A temporary allowance shall cease to be payable to a person on the date on which a disability pension under Part III of this Scheme becomes payable to him.
Temporary allowance not to be drawn with disability pension.

10. Any payment by way of temporary allowance not drawn within three months from the date on which it might first have been drawn shall cease thereafter to be payable ;
Failure to draw temporary allowance.

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the payment, he may condone the delay.

11. When a person who, but for the provisions of clause 30 of this Scheme, would have been entitled to be awarded a temporary allowance, reaches the age of fifteen before the end of the sixth month from the date on which the qualifying injury was sustained, he shall, subject to all the provisions of this Chapter, then become entitled to be awarded a temporary allowance.
Awards in cases to which clause 30 applies.

PART III.

DISABILITY PENSIONS TO PERSONS WHO HAVE SUSTAINED INJURIES CAUSING SERIOUS AND PROLONGED DISABLEMENT.

12. Where a qualifying injury sustained by a person causes him serious and prolonged disablement, he shall be entitled to be awarded in respect of that injury a pension (in this Scheme referred to as a disability pension), in accordance with the following provisions of this Scheme.
Disability pensions.

13. (1) For the purpose of assessing the rate of disability pension, disablements shall be expressed in percentages as set forth in the Schedule II
Assessment of degree of disablement.

to this Scheme. Where there is more than one disablement the total disablement shall be expressed as the sum of the disablements, so however as not in any case to exceed 100 per cent.

(2) When the wound, injury or illness causing the disablement is one not provided for in the Schedule II to this Scheme, the disablement shall be estimated by a competent medical authority at the percentage shown in the said Schedule most closely corresponding to it.

14. (1) Where the disablement resulting from a qualifying injury is expressed or estimated as 20 per cent, or even, a disability pension shall, subject to the provisions of clause 32, be awarded at the following rates, namely :—

Where the percentage of disablement is.	If the injury is one for which relief may be given on the higher scale.	If the injury is not one for which relief may be given on the higher scale.
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	Rs. per mensem.	Rs. per mensem.
100	18	13 8 0
90	16	12 0 0
80	14	10 8 0
70	13	9 12 0
60	11	8 4 0
50	9	6 12 0
20 to 40	8	6 0 0

(2) Where the disablement is not more than 50 per cent. the Claims Officer may, if he is satisfied that the injured person is not debarred from all means of livelihood, substitute for the disability pension a lump sum payment calculated at 70 times the monthly payment specified in the foregoing sub-clause.

15. (1) If before the end of the six month from the date on which the injury was received, the competent medical authority certifies that the disablement caused to a person by a qualifying injury is permanent and incapable of diminution, the Claims Officer may at once award to that person, in accordance with sub-clause (1) of clause 14, a disability pension payable for life, or in accordance with sub-clause (2) of clause 4, a lump sum payment.

Commencement of disability pension, revision of award after two years or otherwise.

(2) If at the end of the six months from the date on which the injury was received, or at any time within those six months when the injured person ceases to be entitled to a temporary allowance, it remains uncertain whether the disablement is permanent and incapable of diminution, the pension shall in the first instance be awarded for two years only and, on the expiry of those two years, shall be awarded for life in accordance with the assessment then made by the competent medical authority of the percentage of the disablement subsisting.

(3) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded and thereafter the disablement increases to a higher percentage than that on which the award was based, and such increase is certified by a competent medical authority to be attributable to the original qualifying injury, the Claims Officer may increase the disability pension to the appropriate higher rate with effect from the date on which the increased disablement is established by the certificate of the competent medical authority.

(4) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded, and thereafter the disablement decreases to a lower percentage than that on which the award was based, the Claims officer may decrease the disability pension to the appropriate lower rate with effect from the date on which the decreased disablement is established by the certificate of the competent medical authority.

16. Disability pensions shall be payable quarterly in arrears :
Mode of payment .

Provided that if the Claims Officer considers that this course may result in hardship in any particular case he may order that the pension shall be payable monthly in arrears.

17. (1) Where a person to whom a disability pension has been awarded, fails to draw that pension for a continuous period of not less than twelve months, the Claims Officer shall cancel the award, and no payment of the arrears of that pension shall be made.

(2) Where a person, to whom a lump sum payment has been awarded under sub-clause (2) of clause 14 fails to draw that sum within twelve months from the date of the award, the Claims Officer shall cancel the award and no further

claim to pension or to lump sum payment shall be entertained:

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure referred to in sub-clause (1) of this clause, he may condone the failure.

18. When a person who, but for the provisions of clause 30 of this Scheme, should have been entitled to be awarded a disability pension, reaches the age of fifteen, he shall then become entitled to be awarded a disability pension, the amount of the award being based on his disablement as assessed at the time he reached the age of fifteen.

PART IV.

FAMILY PENSIONS AND CHILDREN'S ALLOWANCES.

19. (1) When a person dies as the result of a qualifying injury, there shall be payable, in accordance with the following provisions of the Scheme:—

(a) to one surviving eligible member of his family a pension, in this Scheme referred to as a family pension, and

(b) to each of his legitimate children and allowance in this Scheme referred to as a child's allowance.

(2) A family pension, though payable to one surviving eligible member of a family only, is intended for the support of all surviving eligible members of the family.

(3) The amount of a family pension shall, subject to the provisions of clause 32 of this Scheme, be eight rupees monthly.

(4) The amount of the child's allowance shall subject to the provisions of clause 32 of this Scheme, be two rupees monthly for each child so long as a family pension continues to be paid to any surviving eligible member of the family and three rupees monthly for each child if no family pension is being paid.

(5) If the person to whom a family pension is payable is a minor, the pension shall be paid for the benefit of the eligible members of the family to the legal guardian of such a person.

(6) A child's allowance payable to a minor child shall, unless the Claims Officer otherwise directs, be paid for the

benefit of the child to the person to whom the family pension under the award is payable, or if such person is himself a minor or if no family pension is payable under the award, to the legal guardian of the child.

20. "Eligible member of a family" means, in relation to a person dying as the result of a qualifying injury,—

Members of a family who are eligible.

- (1) his widow lawfully married by a valid ceremony;
 - (3) his father;
 - (3) his mother;
 - (4) a legitimate son but not an adopted son;
 - (5) a legitimate daughter but not an adopted daughter
- provided in each case that none of the conditions necessary for eligibility under clause 21 is infringed.

21. The following are the conditions governing the eligibility of the five classes of persons mentioned in clause 20 :—

Conditions of eligibility.

(1) A widow shall not be eligible if she remarries, unless such marriage is with her deceased husband's brother and she continues to live a communal life with, or to contribute to the support of, other living eligible members.

(2) The father shall not be eligible if at the time of the qualifying injury he is below the age of 50, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50.

(3) The mother shall not be eligible if at the time of the qualifying injury the father of the deceased is still alive but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time of the qualifying injury she shall continue to be eligible only so long as she remains unmarried. If at the time of the qualifying injury she was already remarried to a husband other than the father of the deceased she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

(4) A son shall not be eligible if he is above the age of 15 unless he is physically or mentally unable to support himself.

(5) A daughter shall not be eligible, if she has a husband living or marries.

22. (1) where there are surviving eligible members of more than one of the classes specified in the list in clause 20, the family pension shall be payable to the member specified earliest in that

Family pension by whom to be received.

list, of two or more widows the longest married taking precedence and if two or more children the eldest taking precedence.

(2) Where there is no widow surviving and the family pension has not been made payable to the father of the deceased solely because the father has not yet reached the age of 50, it shall unless it has under the provisions of sub-clause (3) of this clause ceased to be payable, be made payable to him on his attaining the age of fifty, subject to the sub-clause next following.

(3) When the member to whom the family pension is payable under the foregoing provisions of this clause dies or ceases to be eligible, then, whether there are other eligible members surviving or not, the family pension shall cease altogether to be payable except as provided in clause 25.

(4) No claim to receive a family pension shall be entertained if made by a member who has, by the time the claim is preferred, already ceased to be eligible.

23, A family pension when awarded shall become payable as from the day following that on which the qualifying injury causing the death was sustained :

Date from which
family pension
effect. takes

Provided that where the family member, to whom the pension would have been payable on that day, has, before the Claim Officer has made the award, died or ceased to be eligible and the pension has consequently become payable to another member, the pension shall be payable to the last mentioned member as from the day following that on which the first mentioned member died or ceased to be eligible, and the arrears from the day following that on which the qualifying injury occurred up to the day on which the first mentioned member died or ceased to be eligible shall, subject to the provisions governing the payment of belated claim, be paid to the first mentioned member of his estate ;

Provided further that if, before the Claims Officer has made the award all the members who were eligible on the day following that on which the qualifying injury occurred have died or ceased to be eligible, the Claims Officer shall have full power to dispose of any arrears as he may think fit.

24. (1) If the Claims Officer is satisfied, on application

Division of family
pensions.

made to him, that the member to whom a family pension is payable refused to contribute reasonably to the support of the other eligible members of the family or that a family pension payable to a child is not being utilised for the benefit of the other eligible

member of the family, he may divide the pension at his discretion among all the eligible members and make it payable as so divided to each member individually.

(2) Any such division shall not affect the provisions contained in sub-clause (3) of clause 22 but, so long as the member to whom the pension is originally awarded continues to be alive and eligible, if any member receiving one of the divided portions of the pension dies or ceases to be eligible, his share shall be added to the amount distributable to the member or members still surviving and eligible.

(3) A division under this clause shall not ordinarily be made at the instance of children in receipt of children's allowances, but the Claims Officer may even in such a case at his discretion make a division of the family pension to avert special hardship.

25. (1) A family pension which ceases to be payable Continuance of family pension. under sub-clause (3) of clause 22 may, either in whole or in part, be continued by the Claims Officer or be made again payable if he is satisfied that by the cessation of the pension the father or mother of the deceased or both who would but for the operation of that sub-clause have been at the time eligible members of the family, are left destitute.

(2) If the Claims Officer decided to continue or restore a family pension under the foregoing provisions of this clause, the pension shall be payable from such date as the Claims Officer may fix, not being earlier than the date on which the application for continuance or restoration is first received by the Claims Officer to the father if living and would have been eligible at the time but for the operation of sub-clause (3) of clause 22 or, if the father is not living, to the mother if she would have been eligible at the time but for the operation of these sub-clauses; but the amount of the pension shall be reduced by the amount of any income from permanent sources available to the father or mother or both.

(3) A family pension so continued or restored shall cease altogether to be payable when the person to whom it is continued or restored dies or ceases to be eligible.

Duration of payment of children's allowances 26. A child's allowance shall cease to be payable.

(a) to a male on his attaining the age of 15, and

(b) to a female on her attaining the age of 16 or on her marriage whichever of these dates is the later;

Provided that the Claims Officer may, if satisfied that the person to whom the allowance is payable is physically or

mentally unable to support himself, continue the allowance so however that it shall cease to be payable to a female on her marriage.

27. Family pensions and children's allowance shall be paid quarterly in arrears.

Mode of payment of family pensions and children's allowance.

Provided that, if the Claims Officer considers that this course might result in hardship in any particular case, he may order that the pension or allowance shall be payable monthly in arrears.

28. No award of family pension or child's allowance shall be made in any case where the death

No award when death occurs more than seven years after injury.

giving rise to the claim occurs more than seven years after the date on which the

qualifying injury causing the death was sustained.

29. Where a family pension or a child's allowance which has been awarded has not been drawn for a continuous period of not less than 12 months the Claims Officer shall cancel the award, and no payment of the arrears of that pension or allowance shall be made :

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension or allowance during such period he may condone the failure.

PART V.

PROVISIONS APPLICABLE TO AWARDS GENERALLY.

30. No payment under this Scheme shall, save as

No awards in respect of war injuries to gainfully occupied persons under fifteen years of age.

provided in clauses 11 and 18 be made in respect of any war injury sustained by a gainfully occupied person who is under the age of fifteen.

31. (1) Except where the Claims Officer in any special case otherwise directs, an award under

Applications for awards.

for

this Scheme shall not be made unless an application for that award is made in the

manner prescribed by the regulations made under this Scheme and within the following periods, namely,

(a) where the claim is for a temporary allowance to a person incapacitated for work, a period of three months from the date of the qualifying injury, or if the incapacity first supervened after that period, a period of three months from

th inception of the incapacity :—

(b) where the claim is for a disability pension, a period of three months from the date of the qualifying injury, or if the injury necessitated immediate treatment in hospital, a period of three months from the date of discharge from hospital ;

(c) where the claim is for a family pension or child's allowance, a period of three months from the date of the death of the person whose death gave rise to the claim.

(2) The Claims Officer may refuse to entertain any application for any allowance or pension under this Scheme in respect of a qualifying injury sustained by a person who has, without sufficient cause, failed to present himself for treatment at a hospital, a dispensary or first aid post.

32. (1) The amount awarded to a person as temporary allowance when incapacitated or as disability pension when disabled shall be subject to the following modifications,

Limitations on amount of awards.

namely :—

(a) where such person is a woman, the amount shall be reduced by 20 per cent.

(b) while such person is under the age of 18, the amount which would otherwise be payable shall be reduced by 25 per cent.

(c) while such person is under treatment in a hospital, the amount which would otherwise be payable shall be reduced by 20 per cent.

(2) the amount awarded as family pension or children's pensions or both in respect of a person dying as the result of a qualifying injury shall not exceed the amount which might have been awarded to that person had he qualified for a disability pension assessed on a disablement of 100 per cent.

33. Where the person entitled to a temporary allowance disability pension, family pension or child's allowance in respect of a qualifying injury is in receipt of a pension or allowance from public funds paid to him by reason of his having sustained that qualifying injury or as the case may be by reason of the death of another person as the result of that qualifying injury, he shall be allowed to draw only the amount if any, by which the pension or allowance to which he is entitled under this Scheme exceeds the pension or allowance referred to, received by him from public funds.

Payment under this Scheme not to be drawn in addition to other payment from public funds.

34. No person in receipt of an allowance or pension under this Scheme shall be allowed to draw another allowance or pension of a different kind under this Scheme until the allowance or pension, previously drawn is surrendered.

The payments under this scheme not to be drawn by same person:

35. (1) No award under this Scheme shall be made in respect of—
Awards when not be made:

(A) an injury sustained whether in or outside the State by a person resident outside the State or

(B) an injury sustained by a person ordinarily resident in the State while absent from the State for personal, domestic or pleasure purposes ;

Provided that nothing in this sub-clause shall preclude the making of an award in respect of —

(a) a war injury sustained by a civil defence volunteer or

(b) a war injury sustained by a person ordinarily resident in the State while travelling by air between any one place in the State and any other place in the State, or

(c) a war injury sustained in the State by a person ordinarily resident outside the State.

(2) The Claims Officer may withhold or cancel the award of any payment under this Scheme, if he is satisfied that the person to whom the award might be or has been made is or has become ordinarily resident outside the State.

36. Where the qualifying injury, or where the incapacity for work, disablement or death resulting from a qualifying injury is shown to the satisfaction of the Claims Officer to be mainly attributable to the negligence or misconduct of the person sustaining the injury, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury or may reduce amount of the award.

Effect of contributory negligence.

37. When the person sustaining a qualifying injury is a member of a civil defence organisation and it is shown to the satisfaction of the Claims Officer that such person when required by Government order to be present in a certain locality or at a certain post failed to be present or being present failed to remain in that locality or that post as the case may be, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury.

Effect of desertion of post by member of Civil Defence organisation.

38. Where a person who has sustained qualifying injury refuses to undergo medical treatment or an operation calculated to restore his health or to cure or reduce disablement caused by the qualifying injury and a competent medical authority certifies that such refusal is in the circumstances unreasonable, then —

(a) if the person dies, and a competent medical authority certifies that the death was due to the refusal to undergo medical treatment or an operation, no family pension or child's allowance shall be awarded ;

(b) If a competent medical authority certifies that medical treatment or an operation will cure the disablement caused by the qualifying injury, no disability pension shall be awarded and

(c) if a competent medical authority certifies that medical treatment or an operation will reduce the disablement to a lower percentage, a disability pension appropriate to that lower percentage only shall be awarded.

39. (1) Any person in receipt of a temporary allowance or disability pension shall, if required by the Claims Officer by notice in writing so to do, submit himself for medical examination by the competent medical authority ;

Provided that a person shall not be required so to present himself ;—

(a) if in receipt of a temporary allowance, at intervals of less than two months, or

(b) if in receipt of a disability pension which has not been awarded for life, at intervals of less than six months, or

(c) if in receipt of a disability pension which has been awarded for life, at intervals of less than two years.

(2) Where any person refuses or, without reasonable cause, fails to submit himself for medical examination when required so to do under sub-clause (1), the Claims Officer may cancel with effect from the date of such refusal or failure the award of allowance or pension made to that person.

(3) Where the award has been cancelled under the sub-clause (2), the Claims officer may refuse to entertain any subsequent application for an allowance or pension under the Scheme in respect of the injury for which the cancelled award was made.

40. If the person to whom a pension or allowance under this Scheme has been awarded has not attained the age of eighteen years, or if he is, in the opinion of the Claims Officer,

Where payee is incapable of managing his own affairs.

mentally firm so as to be incapable of managing his own affairs, or if in any other case the Claims Officer considers in the interest of that person, the Claims Officer, may either of his own motion or on application made to him, pay the pension or allowance to any other person whom the Claims Officer thinks best fitted to provide for the welfare of the person to whom the award has been made, or may apply the amount in any other manner for his benefit.

41. Where a person to whom a pension or allowance under this Scheme might be or has been awarded is convicted by a Court of an offence and sentenced to a term of imprisonment or detention in a Borstal school, the Claims Officer may withhold or cancel the award.

42. The Claims Officer may at any time review any award made under this Scheme and if it appears to him that by reason of a mistake of fact or a change in the condition or circumstances of the person to whom the award was made or for any other reason whatsoever it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded or cancel the award or make a fresh award.

Provided that no pension or allowance shall be increased beyond the limits specified in or for the purposes of this Scheme.

43. All matters falling to be decided under this Scheme in connection with the award of payments under the Scheme shall, where other specific provision is not made in this Scheme, be decided by the Claims Officer; but in all matters relating to the extent or effect of injuries, the existence or non-existence of incapacity for work, and degrees of disablement, the Claims Officer shall decide in accordance with the opinion of or a certificate given by, a competent medical authority.

43. (1) An authority appointed in this behalf by the Government may, if it thinks fit and subject to sub-clause (2) review any award made or order passed under this Scheme by a Claims Officer.

(2) The provisions of clauses 42 and 43 shall apply *mutatis mutandis* to reviews under sub-clause (1),

44. The Government may at any time by notification in the Government Gazette alter the rate of payments which may be awarded under this Scheme.

45. Exceptional cases of hardship not covered by the provisions of this Scheme may be submitted by the Claims Officer to the Government which may make such orders as it thinks fit.

46. The Government or any officer authorised by the Government may, in accordance with any regulations made in this behalf, make payments for medical and surgical treatment provided for persons who have sustained qualifying injuries.

47. The Government may make regulations for giving effect to the purposes of this Scheme.

Power of Government to make regulations.

SCHEDULE I.

1. The following organizations when established by the Government .—

- (a) Auxiliary Fire Service.
- (b) Control and Report Service.
- (c) Air-raid Warden Service.
- (d) Fire Prevention Service.
- (e) First aid, Casualty and Ambulance Service.
- (f) Rescue Service
- (g) Gas identification Service.
- (h) Decontamination Service.
- (i) Messenger Service.
- (j) Instructor Service.
- (k) Mortuary Service.
- (l) Such other Air Raid Precautions and civil defence organisations as may be notified by the Government.

2. The following organisations when recognised for the purposes of this Scheme by the Government.

Private organisations to carry out any of the following services : —

- (I) Decontamination Service.
 - (II) Messenger Service.
 - (III) Fire Service.
 - (IV) Raid Spotter Service.
 - (V) Keymen Service.
 - (VI) Public Utility Emergency Repair Service.
 - (VII) Auxiliary Nursing Service (A. R. P.) Branch.
 - (VIII) Control and Report Service.
 - (IX) Air Raid Warden Service.
 - (X) Fire Prevention and Watchers Service.
 - (XI) First Aid, Casualty and Ambulance Services.
(including drivers).
 - (XII) Rescue Service
 - (XIII) Instructor Service.
 - XIV. Any other service designated in this behalf by order of the Government.
3. The Civil Pioneer Force.
3. Maharaja Guards.
-

SCHEDULE II.

(I) For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows :—

Serial No.	Specified injury.	per cent.
1	Loss of two or more limbs Loss of an arm and an eye Loss of a leg and an eye Loss of both hands or of all fingers and thumbs Loss of both feet... .. Loss of a hand and a foot Total loss of sight... .. Total paralysis Lunacy Wounds, injuries or disease resulting in disabled man being permanently bed-ridden. Wounds of, or injuries to internal thoracic or abdominal organs, involving total permanent disabling effects. Wounds of, or injuries to, head or brain involving total permanent disabling effects or Jacksonian epilepsy. Very severe facial disfigurement Advanced cases of incurable disease	100
2	Amputation of right arm through shoulder... Amputation of leg at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter ; of right arm below shoulder with stump not exceeding 6 inches measured from tip of acromion ; or of left arm through shoulder,	90
3	Lisfranc operation, both feet .. Amputation of leg below hip with stump exceeding 5 inches in length measured from tip of great trochanter but not below	80

	middle thigh ; or left arm below shoulder with stump not exceeding 6 inches measured from top of acromion ; or of right arm below shoulder with stump exceeding 6 inches measured from tip of acromion, through elbow, or below elbow, with stump not exceeding 5 inches measured from tip of olecranon.	
4	Severe facial disfigurement	50
	Total loss of speech	
	Amputation of leg below middle thigh, through knee or below knee with stump not exceeding 4 inches, or left arm below shoulder with stump exceeding 6 inches measured from tip of acromion through elbow or below elbow, with stump not exceeding 5 inches measured from tip of olecranon ; or of right arm below elbow with stump exceeding 5 inches measured from tip of olecranon.	
5	Total deafness	
	Amputation of leg below knee with stump exceeding 4 inches.	
6	Amputation of left arm below elbow with stump exceeding 5 inches measured from tip of olecranon	50
	Loss of thumb or four fingers of right hand	
	Loss of vision of one eye	
7	Li-franc operation one foot	40
	Loss of all toes both feet above knuckle.	
	Loss of thumb or four fingers of left hand or three fingers of right hand.	
8	Loss of all toes of one foot above knuckle.	30
	Loss of all toes of both feet at or below knuckle.	
9.	Limited restriction of movement of joints through injury without penetration,	

Serial No.

Specsified injury.

Per cent.

	limited function of limb through fracture	20
9	Loss of two fingers of either hand	20
	Compound fracture of two or more fingers or of thumb of either hand with impaired function.	

II When the wound or injury or illness causing the disability is not entered in the above schedule, the disability shall be assessed by the medical board at the percentage shown in the above schedule mostly closely corresponding to it.

Regulation No.

In exercise of the powers conferred by clause 47 of the War Injuries Scheme, 1999, the Government are pleased to make the following Regulations, namely :—

1. These Regulations may be called the War Injuries Regulations, 1999.

Title.

2. In these Regulations "Scheme" means the War Injuries Scheme, 1999 ; "Form" means Form appended to these Regulations and other expressions have the same meaning as in the Ordinance or the Scheme.

3. (a) Every leader of a first-aid party shall attach to every casualty a tie-on label in Form A-1.

Casualty report.

(b) Every officer in-charge of a first-aid post shall maintain a record of cases coming to his post in Form A-2.

(c) Every person in-charge of a hospital or a dispensary shall maintain a record of war injuries or war service injuries treated and documents in the Forms B1, B2, B3 and B4. He shall also maintain a list of patients under treatment in Form B5.

(d) Every officer in charge of first-aid post or person in-charge of a hospital or a dispensary shall, as soon as possible after the admission of a person sustaining a war injury or a war service injury, send a signed report in the appropriate form to the Claims Officer.

(e) It shall be the duty of the police to ascertain the name and other particulars of all persons who are killed or who die before admission to hospital and report the circumstances to the Claims Officer, and every Police officer shall make such further reports as the Claims Officer may from time to time call upon him to do.

4. (a) The Government may constitute medical authorities, for such areas and for such purposes of the Scheme and these Regulations as the Government may deem necessary, and consisting of such number of persons as they may think fit. Members of such Medical Authorities shall be registered Medical Practitioners or Medical Officers of Government, and if there is more than one member in any authority, one of them shall be appointed by the Government to be the President.

(b) The Claims Officer may refer any medical question to the Medical Authority for its opinion.

(c) For the purposes of certification of incapacity for work the Claims Officer shall ordinarily obtain a certificate from a Medical Officer not lower in rank than an Assistant Surgeon or such other Medical Practitioner as may be specified by Government.

(d) The Claims Officer shall ordinarily refer all cases relating to the grant of pensions to the Medical authority.

5. An application for temporary allowance shall be made in Form C to the Claims Officer by the persons who has sustained the qualifying injury, through the person in charge of the hospital or dispensary where he received or is receiving treatment, or if he did not receive treatment in any hospital or dispensary, through the officer in charge of the First Aid Post at which he received attention or the officer in-charge of the Police Station or Fire Aid Post to which the facts of his injury were reported.

6. (a) An application for a disability pension shall be made in Form D to the Claims Officer by the person who has sustained the qualifying injury, through the person in-charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or the registered Medical Practitioner who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.

(b) No application for a disability pension shall be entertained unless it is supported by a certificate of disability in Form E granted by a Medical authority; application there-

for shall be made to the Medical authority for the area in which the injured person resides by the injured person, or if he is incapable of making it himself, on his behalf by another person.

7. An application for a family pension or for a family pension and children's allowance shall be made in Form F to the Claims Officer by the person to whom payment thereof, if sanctioned, would be made under the provisions of the Scheme.

8. Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer may entertain any application made on such person's behalf by any other person.

9. The Claims Officer, on receiving an application for an allowance or pension under the Scheme and after considering the reports and certificates pertaining to the case and after obtaining such other evidence, if any as he considers necessary, shall make his award in Form G. He shall briefly record separately the reasons for his award. A signed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent; a true copy shall be sent to the Audit Officer specified for this purpose by the Government, together with attested specimens of the thumb and finger impressions of the payee and his signature, if literate; and another true copy shall be sent to the treasury where the payment is to be made.

10. The Claims Officer or the authority appointed under clause 43-A of the Scheme shall have the power to call for evidence etc. power to examine witnesses and call for such evidence as he considers necessary in the same manner as a civil Court under the provisions of the Code of Civil Procedure 1977 (Act X of 1977) and shall have, in particular, the powers conferred by section 32 of that Code.

11. (a) All allowances and pension under the Scheme shall be payable at the tehsil treasury within whose jurisdiction the payee ordinarily resides.

(b) All allowances and pensions shall be drawn within one month of the date when they are due. The Wazir-i-Wazarat concerned may, however, at his discretion make payment of full arrears within three months of the due date in the case of temporary allowances, and when the Claims Officer has condoned a delay under Section 10 of the Scheme, within three months of the date of the order condoning the

delay. In the case of other awards, similarly he may make payment of full arrears within one year of the due date or of the date of the order condoning any delay, as the case may be.

(c) All such payments from time to time be endorsed on the award by the Wazir-i-Wazarat.

12. On an application made to him by or on behalf of the holder of an award of any pension or allowance, the Claims Officer may, for sufficient reason, transfer the place of payment and shall endorse the award accordingly. He shall also inform the tehsil treasury concerned of the transfer so effected.

13. (a) With every award when presented for payment there shall be produced a certificate of life pertaining to the beneficiary or beneficiaries under the award, signed by a Gazetted Officer (in service or retired) of Government, a Magistrate or a Police Officer not below the rank of a Sub-Inspector, or any other person authorised by general or special order by the Government. Where the claimant is undergoing treatment as an in-patient at a hospital or dispensary, the certificate shall be signed by the person in-charge thereof.

Provided that where a beneficiary is present at the time of payment of an allowance or pension under the Scheme, no life certificate in respect of him shall be required but his identity shall be proved to the satisfaction of the Wazir-i-Wazarat.

(b) On every occasion when the award of a family pension or of a family pension and children's allowance is presented for payment, the person to whom the same is payable shall give a certificate in Form H.

14. (a) If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modification thereof to require under any of the said provisions the cancellation or modification of the award, a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon.

(b) On receipt of any such report, the Claims Officer shall after making such inquiries, if any, as he may deem necessary, cancel or modify the award in accordance with the provisions of the Scheme, and shall inform the treasury of payment accordingly.

FORM A-I.

CASUALTY LABEL OBVERSE.

Date.

Name.

Casualty Book No.

Father's or Husband's name.

Injury.

T M H G X.

Treatment.

Morphia, Dose and Time

Instructions.

{ T = Tourniquet
M = Morphia.
H = Haemorrhage.
G = Gas and contamination.
X = Immediate attention.

Officer in charge.

REVERSE.

(Red and Green labels).

Red: Direct to Hospital.

Green: To First Aid Post.

*Cross out where applicable.

If C. D. V. on duty/off duty.

(State source of information).

REVERSE.

(White lables).

White: Walking Case.

This card should be given to patients with minor injuries, sent home after treatment, with instructions, where necessary to present it at the nearest hospital for further treatment (on same or the next day).

The Casualty Book number should be entered on the card.

FORM A-2.

This copy to be preserved at F. A. P.
Casualty Book.

No.

F. A. Post.

Town and District.

Date and time of arrival.

Name.

Age.

Sex.

Father's or Husband's name.

Community.

Caste.

Occupation. If C. D. V. on duty/off duty.

Address.

By whom brought.

Nature and cause of injury.
(Note if gassed).

Treatment.

This copy to be sent to the local A. R. P.
Head-quarters which will forward it to
the War Injuries Claims Officer
Casualty Book.

No.

F. A. Post.

Town and District.

Date and time of arrival.

Name.

Age.

Sex.

Father's or Husband's name.

Community.

Caste.

Occupation. If C. D. V. on duty/off duty.

Address.

By whom brought.

Nature and cause of injury.
(Note if gassed).

A. T. Serum.

Morphia, dose and time.

Disposal.

Disposal.

Medical Officer in charge.

Medical Officer in charge.

When an injured person is sent home after treatment this form should be completed before he leaves the F. A. post and he should be given a casualty label on which should be entered the casualty book number.

This copy should be completed and forwarded to the local A. R. P. Headquarters as soon as possible.

FORM B-1.

This copy to be retained in Hospital.

War Casualty.

In-patient Book.

No.

Hospital.

Town and District.

Date of admission.

Name.

Age.

Sex.

Father's or Husband's name.

Age.

Sex.

Community.

Caste.

Address.

Occupation.

(Note if C. D. V.)

Where first treated (with date).

P. A. Post at.....

By whom brought.

Date of injury.

Name and probable cause of injury.
(Note if gassed).

Name and address of next of kin.

Date of discharge.

Transfer to out-patients Department.

Medical Officer.

This copy to be sent to the War Injuries Claims Officer through local A. R. P. Headquarters.

War Casualty

In patient Book.

No.

Hospital

Town and District.

Date of admission.

Name.

Age.

Sex.

Father's or Husband's name.

Community.

Caste.

Address.

Occupation (Note if C. D. V.)

Where first treated (with date).

F. A. Post at.....

By whom brought.

Date of injury.

Name and probable cause of injury.
(Note if gassed).

Name and address of next of kin.

Date of discharge

Transfer to out-patients Department

Medical Officer.

FORM B-2.

FORM B-2.

This copy to be retained in Hospital.	This copy to be sent to the Claims officer through Local A. R. P. Headquarters.	This copy to be given to the patient.
War Casualty.		
Out patient Book.	Out-patient Book.	Out-patient Book.
Hospital/Dispensary	Hospital/Dispensary.	Hospital/Dispensary,
Town and District.	Town and District.	Town and District.
Name.	Name.	Name.
Father's or Husband's name.	Father's or Husband's name.	Father's or Husband's name.
Community.	Community.	Community.
Address.	Address.	Address.
Occupation (note if C. D. V.).	Occupation (note if C. D. V.).	Occupation (note if C. D. V.).
Where first treated (with date)	Where first treated (with date)	Where first treated (with date).
F. A. Post.	F. A. Post.	F. A. Post.
Casualty Book No.	Casualty Book No.	Casualty Book No.
Whether ex-in patient.	Whether ex-in patient.	Whether ex-in patient.
Date of injury.	Date of injury.	Date of injury.
Probable cause of injury.	Probable cause of injury.	Probable cause of injury.
Date of first treatment in C. P. D	Date of first treatment in C. P. D.	Date of first treatment in C. P. D.
Whether incapacitated for work.	Whether incapacitated for work.	Whether incapacitated for work.
Date.	Date.	Date.
Medical Officer	Medical Officer.	Medical Officer.

Keep this carefully and take it with you when you go to the Hospital.

Date for further treatment and discharge.

Date. Whether incapacitated for work. Signature of M. O.

To be kept in the Hospital and filled up on each occasion when the patient is treated.

When discharged with "Discharged" and the date.

Particulars of any refusal to undergo treatment should be noted.

Dates for further treatment and discharge.

Date. Whether incapacitated for work. Signature of M. O.

FORM B-3.

WAR CASUALTY.

Discharge certificate.

Name (Capitals).

Age.

Father's or Husband's name.

Address.

Was under In/Out patient treatment from to

at Hospital/Dispensary.

Town..... District.....

Casualty Book No.....Out patient Record No.....

In-patient Record No.....

Suffering from

.....

the result of war injury on

at

and was discharged on

MEDICAL OFFICER,

Date.....

.....Hospital.

(1) For the patient, (2) For the War injuries Claims Officer. (3) For the Hospital Record, or to be placed in large envelope. (Signature or Thumb impression of the patient on this to act as receipt).

1. Whether patient refused to undergo any medical treatment ... Yes/No.
2. Whether still incapacitated for work ... Yes/No.
3. Particulars of disability due to war injury still continuing, if any.....
.....
4. Whether disability is capable of improvement ... Yes/No/Doubtful.

MEDICAL OFFICER.

FORM B-4.

WAR CASUALTY.

Cover for Medical History Documents.

Full name (in capitals). Father's or Husband's name.

Community.

Caste.

Age

Occupation.

(Note if C. D. V.)

Address.

Date and place of injury.

Name and address of next of kin.

In-patient Record No.

Name of Hospital, Town and District.	Date of		Admission Record No.
	Admission.	Discharge or Transfer.	
	<hr/>		

This envelope will be prepared by the hospital to which a patient is first admitted and all medical documents relating to the case will be placed in this envelope, which with its contents should be transferred with the patient on transfer to another hospital, and on final discharge or death should be transmitted under cover to

FORM B-5.

STATEMENT OF IN/OUT PATIENTS WITH WAR INJURIES UNDER TREATMENT
ON THE 1ST/15TH OF.....20 .

Serial No.	Name.	Father's or husband's name.	Age/Sex.		Community.	Caste.	Whether out-patient (O. P.) or in-patient (I. P.)	No. in I. P. Book.	No. in O. P. Book and date of last treatment.	Whether in- capacitated for work on date of last treatment.	REMARKS.
			M	F.							

NOTES.—(1) If an out-patient fails to attend for a period of 14 days the fact should be noted in the "remarks" column.
(2) If a patient fails to attend for one month the fact should be noted, and his name should not be included in later lists.

MEDICAL OFFICER,

..... Dispensary/Hospital.

FORM C.

APPLICATION FOR TEMPORARY ALLOWANCE.

Claimant's full name (in capital).

Name of father (in the case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

What rate of allowance is claimed and justification for the claim.

Income before injury and source of the income.

Income after injury and source of the income.

Place where injury sustained.

Date of injury.

Cause of injury in detail.

Details of injury.

Whether attended to by A. R. P. volunteer, Maharaja's Guard, police or other organisation, if so details.

If taken to dispensary or hospital which and when?

If discharged from dispensary or hospital, when?

Did the injured person refuse medical treatment at a hospital or dispensary, and if so, why?

If attended to at residence by a medical practitioner details of place where treated and name of the medical practitioner.

Period of incapacity of work.

If temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1999 (other than that referred to above). I desire to draw the allowance, if sanctioned, at

Post Office.

(Signature of claimant).

Applicant's name.....

Father's name or Husband's name

Community or cast.....

In-patient Book No.....

Out-patient Book No

Date of admission as in-patient.....

Date of first treatment as out-patient.....

If discharged, date of discharge.....

Period during which, according to the hospital records, the
applicant was incapacitated for work (dates).....
From to

Whether at present incapacitated for work and, if so, probable
period during which incapacity will continue.....
.....

Did patient refuse any medical treatment? If so, give parti-
culars

MEDICAL OFFICER,

Date..... *Hospital / Dispensary.*

FORM D.

APPLICATION FOR DISABILITY PENSION.

Claimant's full name (in capitals).

Name of father (in the case of married woman, of husband).

Age.

Date of birth.

Caste

Profession.

Residence.

Nationality.

What rate of pension is claimed and justification for the claim.

Income before injury and source of the income.

Income after injury and source of the income.

Place where injury sustained ... Date of injury.

Cause of injury in detail ...

Details of injury ...

Whether attended to by A R. P. volunteer, Maharaja's Guard, Police or other organisation, if so details ?

If taken to dispensary or hospital, which and when ?

If discharged from dispensary or hospital when ?

Did the injured person refuse medical treatment at a hospital, or dispensary and if so, why ?

FORM E.

CERTIFICATE OF DISABILITY.

Medical Authority.

Name of injured person (in capitals).

Name of Father (in case of married woman, of her husband).

Age.

Caste.

Residence.

Profession.

Nationality.

Date of examination by the authority.

Particulars of disability and probable cause.

Degree of disability in terms of clause 11 of the War injuries Scheme 1999.

Is the disability capable of improvement ?

If not, estimate probable further duration of disability and state if the person should be put up for the examination again, and when.

SIGNATION OF MEMBERS OF THE AUTHORITY.

If attended to at the residence by a medical practitioner details of place where treated and name of medical practitioner.

If any temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I desire to draw the pension, if sanctioned at.....

Post Office.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1999 (other than that referred to above).

(SIGNATURE OF CLAIMANT).

FORM F.

APPLICATION FOR FAMILY PENSION AND CHILDREN'S ALLOWANCE.

Applicant's full name (in capitals).

Name of father (in case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

Relationship with deceased.

Income of applicant before death of deceased and source of such income.

Income of applicant after death of deceased and source of such income.

Full name of deceased (in capital).

Place of death.

Cause of death.

Was deceased attended to by A. R. P. volunteer, Maharaja's Guard, police or other organisation if so, details.

If deceased received any medical treatment, details thereof including place where received.

If deceased died in any hospital or dispensary, state details.

If not give any other proof of death,

e. g. affidavits, or/any certificates by a gazetted officer, Magistrate, or sub-inspector of police.

Did deceased draw any allowance under the War Injuries Scheme, 1999, prior to death, if so details as to award, rate and amount drawn prior to death.

Is any special pension or allowance awarded from public funds in respect of the death of the deceased.

If deceased has any of the following relatives living at the time of his death, give details * in respect of each :—

Widow, or widows, father, mother, actual and legitimate son (s), actual and legitimate daughter (s), State also if any has since died, or whether any female relative has since married or unmarried.

Date of birth	... Age	...	{ In the case of all eligible relatives.
Residence	... If staying elsewhere than.		

With applicant state details ...

In the case of daughter.....
whether married.

*If necessary, this may be done on a sheet to be attached and Signed.

In the case of children.....
Guardian, if any other than applicant.

If any of the said relatives or the applicant.

(1) draws any other pension from public funds, state details as to source and amount.

(2) holds any appointment under Government or local authority, state details and rate of emoluments.

Amount and particulars of the
claims made :—

I desire to draw the pension (and
allowance), if sanctioned, at.....
.....Treasury.

I certify that the information furnished in the statement
is to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or
allowance under the War Injuries Scheme, 1999.

(SIGNATURE OF CLAIMANT).

FORM G.

AWARD UNDER THE WAR INJURIES SCHEME, 1999.

Claimed Officer for.

(area).

Name.

Name of person receiving war
injury killed.

Age.

Residence.

Caste.

Profession.

Nationality.

Pension or allowance in favour of
(block capitals).

Name of father of such person (in
the case of married woman, of
husband).

Description of such person.

Age.

Residence.

Caste.

Profession.

Nature of award (state whether
temporary allowance, disability
pension, or family pension and
children's allowance).

Amount of pension or allowance Rs.
per

In the case of children's allowance,
particulars of amount and children
in respect of whom made stating
their dates of birth.

Guardian, if any.

Period for which pension is
sanctioned, with the date of
commencement.

Payable at..... Treasury.
on the..... of each.....

Date and signature of
Claims Officer.

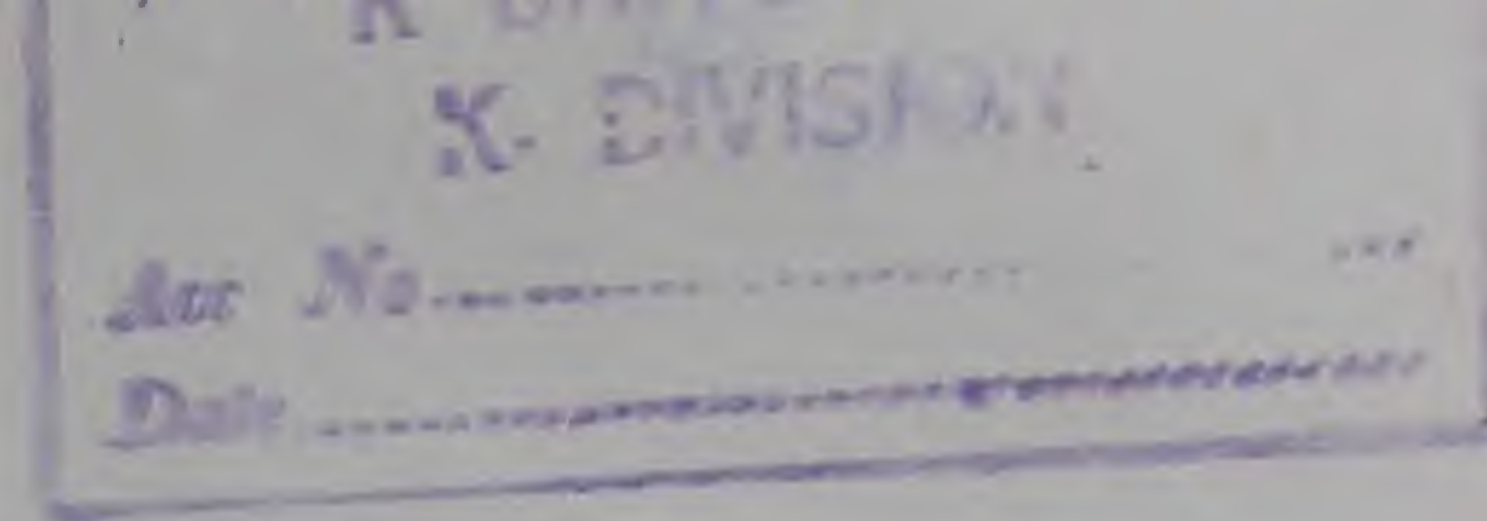
Forwarded to the payee through
the Tehsildar of
Wazir Wazarat.

..... District,

Period.	Amount.	Signature or thumb impression of payee.	Signature of Treasury Officer or other autho- rised officer.	Date stamp of office.
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1	2	3	4	5
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FORM II.



CERTIFICATE OF CONTINUING ELIGIBILITY.

I(name, father's or husband's name and address).....being the person to whom the family pension (and children's allowance) (s) sanctioned under Award No.....is/are payable, hereby certify.

(I) that I remain eligible under the provisions of the War Injuries Scheme, 1999, to receive the same, and

(II) that no circumstances have arisen since the making (of the last modification) of the said award which under any of the said provisions would operate to require the cancellation or (further) modification of the said Award.

Date.....

.....
(Signature or thumb impression)

(To be countersigned, in cases where the payee is not present in person at the Treasury of payment, by a Gazetted Officer of Government, a Magistrate or a Police Officer not below the rank of Sub-Inspector or any other person authorised by general or special order by the Government).

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

ORDINANCE NO. X OF 1999.

An Ordinance to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.



[Signature]
JAMMU:

Printed at The Ranbir Government Press—29-4-2000—401.

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HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR

SPECIAL SECRETARIAT (WAR WORK BRANCH).

Ordinance No. X of 1999.

AN ORDINANCE TO MAKE PROVISION FOR THE GRANT OF RELIEF IN RESPECT OF CERTAIN PERSONAL INJURIES SUSTAINED DURING THE CONTINUANCE OF THE PRESENT HOSTILITIES.

WHEREAS an emergency has arisen which renders it necessary to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities ;

Now therefore in pursuance of the powers vested in us under section 5 of the Jammu and Kashmir Constitution Act, 1996 We are hereby pleased to promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Injuries
Short title extent and
commencement Ordinance, 1999.

(2) It extends to the whole of the Jammu and Kashmir State.

(3) It shall come into force at once.

(4) It shall cease to be law from such date as His Highness may by order declare to be the end of the emergency which was the occasion of its promulgation.

INTERPRETATION.

2. In this Ordinance, unless there is any thing repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Ordinance and the scheme ;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained ;

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Ordinance and ending with such date as the Government may, by notification in the Government Gazette, declare to be the date on which the present hostilities terminated ;

(4) "gainfully occupied person" means a person who is engaged in any trade, business profession, office, employ-

ment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent ;

(5) "scheme" means a scheme made under this Ordinance ;

(6) "war injury" means a physical injury—

(a) caused by—

- (i) the discharge of any missile (including liquids and gas) or
- (ii) the use of any weapon, explosive or other noxious thing, or
- (iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Highness or any allied power, or any part of, or anything dropped from, any such aircraft ;

(7) "war service injury", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity ;

Provided that before being so satisfied the Government or other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Ordinance providing for the grant of relief in respect of the following injuries sustained during the continuance of the

Power to make schemes for relief in respect of war injuries and war service injuries.

present hostilities, namely :—

(o) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in

the scheme) and by persons of such other classes as may be so specified ; and

(b) war service injuries sustained by civil defence volunteers

2) A scheme may authorise the Government, or any authority authorised by the Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured:—

(a) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (b) ;

(b) payments otherwise than by way of temporary allowance which shall be payable only where the injury causes serious and prolonged disablement or death ; and

(c) payments for the purchase of or the grant at the cost of Government of artificial limbs or surgical or other appliances and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make regulations for giving effect to the purposes of the scheme.

4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority as the case may be but save in so far as it is so varied shall be final and conclusive.

4. (1) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section would whether by virtue of any enactment or by virtue of any contract or at common law, be payable.—

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury, sustained by

a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer, on the ground that the injury, in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if.—

(a) an application for a payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(b) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(c) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(d) the proceedings are commenced within one month from the date of the said certificate.

5. (1) Where it is necessary in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person

injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may by notice in writing require:—

(a) any person who was an employer of the injured person during that period, or

(b) any other person having any knowledge with respect to the financial circumstances of the injured person during that period;

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person.—

(a) fails to comply with the requirements of any such notice, or

(b) in purported compliance with any such notice knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive, he shall be punishable with fine which may extend to three hundred rupees

5-A (i) The person managing any dispensary or hospital shall if so required by the Government by general or special order :—
Medical attention in dispensaries and hospitals.

(a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply when so required with the provisions of this section he shall be punishable with fine which may extend to one thousand rupees.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.
Penalty for false statement.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.
Assignments or charges to be void.

(Sd.) HARI SINGH,

MAHARAJA,

Jammu and Kashmir.

Notification.

In exercise of the powers conferred by sub-section (I) of section 3 of the War Injuries Ordinance, 1999, the Government are pleased to make the following Scheme, namely :—

PART I.**INTRODUCTORY.**

1. (1) This Scheme may be called the War Injuries Scheme, 1999.
Short title and commencement.

(2) It shall come into force at once

2. (1) The General Clauses Act, 1977 (XX of 1977), applies to the interpretation of this Scheme as it applies to the interpretation of an Act.
Interpretation.

(2) In this Scheme :—

(a) “Ordinance” means the War Injuries Ordinance, 1999.

(b) “civil defence organisation” means any such organisation as is mentioned in clause 3 of this scheme ;

(c) “claims officer” means any authority appointed by the Government to make payments under this scheme ;

(d) “competent medical authority” means any medical authority appointed for the purposes of this scheme by the Government ;

(e) “injury for which relief may be given on the higher scale” means an injury which is :—

(i) a war injury sustained by a civil defence volunteer which is shown to the satisfaction of the Claims Officer to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, or

(ii) a war injury sustained by a person engaged in any employment specified in this behalf by the Government, if on the day on which the injury was sustained he was on duty in connection with that employment or would have been on duty sent for that day being a recognised holiday or day of rest or for his being casually absent from duty on account of illness or other similar cause, or for

any other reason which in the opinion of the Claims Officer was good and sufficient.

(f) "public funds" means money provided by the Government or by a local authority

(g) "qualifying injury" means an injury in respect of which a payment under this scheme may be made.

3. It is hereby declared that the organisations of persons specified in the Schedule I to this Scheme are "civil defence organisations" for the purposes of the Ordinance and this scheme.

Civil defence organisations for purposes of Ordinance and Scheme.

4. Subject to the provisions of this Scheme a payment under Scheme may be made in respect of any injury sustained during continuance of the present hostilities which is :—

Injuries in respect of which awards may be made.

(a) a war service injury sustained by a civil defence volunteer, or

(b) a war injury sustained by a gainfully occupied person, or

(c) a war injury sustained by any such other person or persons of such other class as may be notified in this behalf by the Government, or

(d) a war injury causing death, sustained by a person substantially dependant for his livelihood on a pension, annuity or other income ceasing with his death.

PART II.

TEMPORARY ALLOWANCE.

5. Where a qualifying injury has incapacitated a person for work for a period of not less than seven consecutive days that person shall be entitled to be awarded in respect of that injury an allowance (in this Scheme referred to as a temporary allowance) in accordance with the following provisions of this Scheme.

Award of temporary allowance.

6. A temporary allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by injury in respect of which it has been awarded, and shall case be continued after the end of the sixth month date on which the injury was sustained.

Conditions of payment of temporary allowance.

7. Temporary allowance shall be paid

Mode of payment.

arrears on the 1st and
If the incapacity for

half monthly period, no payment shall be made unless during that period the incapacity has existed for not less than seven days, in which case the payment shall be proportionately reduced.

8. Temporary allowances shall, subject to the provisions of clause 32 of this Scheme be payable at the following rates, namely:—
Rates of temporary allowance.

(a) where the injury is one for which relief may be given on the higher scale, at the half-monthly rate of nine rupees ;

(b) in the case of any other injury, at the half monthly rate of six rupees and twelve annas.

9. A temporary allowance shall cease to be payable to a person on the date on which a disability pension under Part III of this Scheme becomes payable to him.
Temporary allowance not to be drawn with disability pension.

10. Any payment by way of temporary allowance not drawn within three months from the date on which it might first have been drawn shall cease thereafter to be payable ;
Failure to draw temporary allowance.

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the payment, he may condone the delay.

11. When a person who, but for the provisions of clause 30 of this Scheme, would have been entitled to be awarded a temporary allowance, reaches the age of fifteen before the end of the sixth month from the date on which the qualifying injury was sustained, he shall, subject to all the provisions of this Chapter, then become entitled to be awarded a temporary allowance.
Awards in cases to which clause 30 applies.

PART III.

DISABILITY PENSIONS TO PERSONS WHO HAVE SUSTAINED INJURIES CAUSING SERIOUS AND PROLONGED DISABLEMENT.

12. Where a qualifying injury sustained by a person causes him serious and prolonged disablement, he shall be entitled to be awarded in respect of that injury a pension (in this Scheme referred to as a disability pension), in accordance with the following provisions of this Scheme.
Disability pensions.

13. (1) For the purpose of assessing the rate of disability pension, disablements shall be expressed in percentages as set forth in the Schedule II
Assessment of degree of disablement.

to this Scheme. Where there is more than one disablement the total disablement shall be expressed as the sum of the disablements, so however as not in any case to exceed 100 per cent.

(2) When the wound, injury or illness causing the disablement is one not provided for in the Schedule II to this Scheme, the disablement shall be estimated by a competent medical authority at the percentage shown in the said Schedule most closely corresponding to it.

14. (1) Where the disablement resulting from a qualifying injury is expressed or estimated as 20 per cent, or even, a disability pension shall, subject to the provisions of clause 32, be awarded at the following rates, namely :—

Where the percentage of disablement is.	If the injury is one for which relief may be given on the higher scale.	If the injury is not one for which relief may be given on the higher scale.
---	---	---

	Rs. per mensem.	Rs. per mensem.
100	18	13 8 0
90	16	12 0 0
80	14	10 8 0
70	13	9 12 0
60	11	8 4 0
50	9	6 12 0
20 to 40	8	6 0 0

(2) Where the disablement is not more than 50 per cent. the Claims Officer may, if he is satisfied that the injured person is not debarred from all means of livelihood, substitute for the disability pension a lump sum payment calculated at 70 times the monthly payment specified in the foregoing sub-clause.

15. (1) If before the end of the six month from the date on which the injury was received, the competent medical authority certifies that the disablement caused to a person by a qualifying injury is permanent and incapable of diminution, the Claims Officer may at once award to that person, in accordance with sub-clause (1) of clause 14, a disability pension payable for life, or in accordance with sub-clause (2) of clause 4, a lump sum payment.

Commencement of disability pension, revision of award after two years or otherwise.

(2) If at the end of the six months from the date on which the injury was received, or at any time within those six months when the injured person ceases to be entitled to a temporary allowance, it remains uncertain whether the disablement is permanent and incapable of diminution, the pension shall in the first instance be awarded for two years only and, on the expiry of those two years, shall be awarded for life in accordance with the assessment then made by the competent medical authority of the percentage of the disablement subsisting.

(3) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded and thereafter the disablement increases to a higher percentage than that on which the award was based, and such increase is certified by a competent medical authority to be attributable to the original qualifying injury, the Claims Officer may increase the disability pension to the appropriate higher rate with effect from the date on which the increased disablement is established by the certificate of the competent medical authority.

(4) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded, and thereafter the disablement decreases to a lower percentage than that on which the award was based, the Claims officer may decrease the disability pension to the appropriate lower rate with effect from the date on which the decreased disablement is established by the certificate of the competent medical authority.

16. Disability pensions shall be payable quarterly in arrears :
Mode of payment .

Provided that if the Claims Officer considers that this course may result in hardship in any particular case he may order that the pension shall be payable monthly in arrears.

17. (1) Where a person to whom a disability pension has been awarded, fails to draw that pension for a continuous period of not less than twelve months, the Claims Officer shall cancel the award, and no payment of the arrears of that pension shall be made.

(2) Where a person, to whom a lump sum payment has been awarded under sub-clause (2) of clause 14 fails to draw that sum within twelve months from the date of the award, the Claims Officer shall cancel the award and no further

claim to pension or to lump sum payment shall be entertained :

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure referred to in sub-clause (1) of this clause, he may condone the failure.

18. When a person who, but for the provisions of clause 30 of this Scheme, should have been entitled to be awarded a disability pension, reaches the age of fifteen, he shall then become entitled to be awarded a disability pension, the amount of the award being based on his disablement as assessed at the time he reached the age of fifteen.

PART IV.

FAMILY PENSIONS AND CHILDREN'S ALLOWANCES.

19. (1) When a person dies as the result of a qualifying injury, there shall be payable, in accordance with the following provisions of the Scheme :—

Family pensions and children's allowances purpose and amount.

(a) to one surviving eligible member of his family a pension, in this Scheme referred to as a family pension, and

(b) to each of his legitimate children and allowance in this Scheme referred to as a child's allowance.

(2) A family pension, though payable to one surviving eligible member of a family only, is intended for the support of all surviving eligible members of the family.

(3) The amount of a family pension shall, subject to the provisions of clause 32 of this Scheme, be eight rupees monthly.

(4) The amount of the child's allowance shall subject to the provisions of clause 32 of this Scheme, be two rupees monthly for each child so long as a family pension continues to be paid to any surviving eligible member of the family and three rupees monthly for each child if no family pension is being paid.

(5) If the person to whom a family pension is payable is a minor, the pension shall be paid for the benefit of the eligible members of the family to the legal guardian of such a person.

(6) A child's allowance payable to a minor child shall, unless the Claims Officer otherwise directs, be paid for the

benefit of the child to the person to whom the family pension under the award is payable, or if such person is himself a minor or if no family pension is payable under the award, to the legal guardian of the child.

20. "Eligible member of a family" means, in relation to a person dying as the result of a qualifying injury,—
Members of a family who are eligible.

- (1) his widow lawfully married by a valid ceremony;
 - (3) his father ;
 - (3) his mother ;
 - (4) a legitimate son but not an adopted son ;
 - (5) a legitimate daughter but not an adopted daughter
- provided in each case that none of the conditions necessary for eligibility under clause 21 is infringed.

21. The following are the conditions governing the eligibility of the five classes of persons mentioned in clause 20 :—
Conditions of eligibility.

(1) A widow shall not be eligible if she remarries, unless such marriage is with her deceased husband's brother and she continues to live a communal life with, or to contribute to the support of, other living eligible members.

(2) The father shall not be eligible if at the time of the qualifying injury he is below the age of 50, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50.

(3) The mother shall not be eligible if at the time of the qualifying injury the father of the deceased is still alive but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time of the qualifying injury she shall continue to be eligible only so long as she remains unmarried. If at the time of the qualifying injury she was already remarried to a husband other than the father of the deceased she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

(4) A son shall not be eligible if he is above the age of 15 unless he is physically or mentally unable to support himself.

(5) A daughter shall not be eligible, if she has a husband living or marries.

22. (1) where there are surviving eligible members of more than one of the classes specified in the list in clause 20, the family pension shall be payable to the member specified earliest in that
Family pension by whom to be received.

list, of two or more widows the longest married taking precedence and if two or more children the eldest taking precedence.

(2) Where there is no widow surviving and the family pension has not been made payable to the father of the deceased solely because the father has not yet reached the age of 50, it shall unless it has under the provisions of sub-clause (3) of this clause ceased to be payable, be made payable to him on his attaining the age of fifty, subject to the sub-clause next following.

(3) When the member to whom the family pension is payable under the foregoing provisions of this clause dies or ceases to be eligible, then, whether there are other eligible members surviving or not, the family pension shall cease altogether to be payable except as provided in clause 25.

(4) No claim to receive a family pension shall be entertained if made by a member who has, by the time the claim is preferred, already ceased to be eligible.

23, A family pension when awarded shall become payable as from the day following that on which the qualifying injury causing the death was sustained :

Date family effect.	from pension	which takes	
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Provided that where the family member, to whom the pension would have been payable on that day, has, before the Claim Officer has made the award, died or ceased to be eligible and the pension has consequently become payable to another member, the pension shall be payable to the last mentioned member as from the day following that on which the first mentioned member died or ceased to be eligible, and the arrears from the day following that on which the qualifying injury occurred up to the day on which the first mentioned member died or ceased to be eligible shall, subject to the provisions governing the payment of belated claim, be paid to the first mentioned member of his estate ;

Provided further that if, before the Claims Officer has made the award all the members who were eligible on the day following that on which the qualifying injury occurred have died or ceased to be eligible, the Claims Officer shall have full power to dispose of any arrears as he may think fit.

24. (1) If the Claims Officer is satisfied, on application made to him, that the member to whom a family pension is payable refused to contribute reasonably to the support of the other eligible members of the family or that a family pension payable to a child is not being utilised for the benefit of the other eligible

Division pensions.	of family	
-----------------------	-----------	--

member of the family, he may divide the pension at his discretion among all the eligible members and make it payable as so divided to each member individually.

(2) Any such division shall not affect the provisions contained in sub-clause (3) of clause 22 but, so long as the member to whom the pension is originally awarded continues to be alive and eligible, if any member receiving one of the divided portions of the pension dies or ceases to be eligible, his share shall be added to the amount distributable to the member or members still surviving and eligible.

(3) A division under this clause shall not ordinarily be made at the instance of children in receipt of children's allowances, but the Claims Officer may even in such a case at his discretion make a division of the family pension to avert special hardship.

25. (1) A family pension which ceases to be payable Continuance of family pension. under sub-clause (3) of clause 22 may, either in whole or in part, be continued by the Claims Officer or be made again payable if he is satisfied that by the cessation of the pension the father or mother of the deceased or both who would but for the operation of that sub-clause have been at the time eligible members of the family, are left destitute.

(2) If the Claims Officer decided to continue or restore a family pension under the foregoing provisions of this clause, the pension shall be payable from such date as the Claims Officer may fix, not being earlier than the date on which the application for continuance or restoration is first received by the Claims Officer to the father if living and would have been eligible at the time but for the operation of sub-clause (3) of clause 22 or, if the father is not living, to the mother if she would have been eligible at the time but for the operation of these sub-clauses; but the amount of the pension shall be reduced by the amount of any income from permanent sources available to the father or mother or both.

(3) A family pension so continued or restored shall cease altogether to be payable when the person to whom it is continued or restored dies or ceases to be eligible.

Duration of payment of children's allowances 26. A child's allowance shall cease to be payable.

(a) to a male on his attaining the age of 15, and

(b) to a female on her attaining the age of 16 or on her marriage whichever of these dates is the later;

Provided that the Claims Officer may, if satisfied that the person to whom the allowance is payable is physically or

mentally unable to support himself, continue the allowance so however that it shall cease to be payable to a female on her marriage.

27. Family pensions and children's allowance shall be paid quarterly in arrears.

Mode of payment of family pensions and children's allowance.

Provided that, if the Claims Officer considers that this course might result in hardship in any particular case, he may order that the pension or allowance shall be payable monthly in arrears.

28. No award of family pension or child's allowance shall be made in any case where the death giving rise to the claim occurs more than seven years after injury.

qualifying injury causing the death was sustained.

29. Where a family pension or a child's allowance which has been awarded has not been drawn for a continuous period of not less than 12 months the Claims Officer shall cancel the award, and no payment of the arrears of that pension or allowance shall be made :

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension or allowance during such period he may condone the failure.

PART V.

PROVISIONS APPLICABLE TO AWARDS GENERALLY.

30. No payment under this Scheme shall, save as provided in clauses 11 and 18 be made in respect of any war injury sustained by a gainfully occupied person who is under the age of fifteen.

No awards in respect of war injuries to gainfully occupied persons under fifteen years of age.

31. (1) Except where the Claims Officer in any special case otherwise directs, an award under this Scheme shall not be made unless an application for that award is made in the manner prescribed by the regulations made under this Scheme and within the following periods, namely,

(a) where the claim is for a temporary allowance to a person incapacitated for work, a period of three months from the date of the qualifying injury, or if the incapacity first supervened after that period, a period of three months from

Applications for awards.

th inception of the incapacity :—

(b) where the claim is for a disability pension, a period of three months from the date of the qualifying injury, or if the injury necessitated immediate treatment in hospital, a period of three months from the date of discharge from hospital ;

(c) where the claim is for a family pension or child's allowance, a period of three months from the date of the death of the person whose death gave rise to the claim.

(2) The Claims Officer may refuse to entertain any application for any allowance or pension under this Scheme in respect of a qualifying injury sustained by a person who has, without sufficient cause, failed to present himself for treatment at a hospital, a dispensary or first aid post.

32. (1) The amount awarded to a person as temporary allowance when incapacitated or as disability pension when disabled shall be subject to the following modifications, namely :—

Limitations on amount of awards.

(a) where such person is a woman, the amount shall be reduced by 20 per cent.

(b) while such person is under the age of 18, the amount which would otherwise be payable shall be reduced by 25 per cent.

(c) while such person is under treatment in a hospital, the amount which would otherwise be payable shall be reduced by 20 per cent.

(2) the amount awarded as family pension or children's pensions or both in respect of a person dying as the result of a qualifying injury shall not exceed the amount which might have been awarded to that person had he qualified for a disability pension assessed on a disablement of 100 per cent.

33. Where the person entitled to a temporary allowance disability pension, family pension or

Payment under this Scheme not to be drawn in addition to other payment from public funds.

child's allowance in respect of a qualifying injury is in receipt of a pension or allowance from public funds paid to him by reason of his having sustained that qualifying injury or as the case may be by reason of the death of another person as the result of that qualifying injury, he shall be allowed to draw only the amount if any, by which the pension or allowance to which he is entitled under this Scheme exceeds the pension or allowance referred to, received by him from public funds.

34. No person in receipt of an allowance or pension under this Scheme shall be allowed to draw another allowance or pension of a different kind under this Scheme until the allowance or pension, previously drawn is surrendered.

The payments under this scheme not to be drawn by same person:

35. (1) No award under this Scheme shall be made in respect of—
Awards when not be made:

(A) an injury sustained whether in or outside the State by a person resident outside the State or

(B) an injury sustained by a person ordinarily resident in the State while absent from the State for personal, domestic or pleasure purposes ;

Provided that nothing in this sub-clause shall preclude the making of an award in respect of —

(a) a war injury sustained by a civil defence volunteer or

(b) a war injury sustained by a person ordinarily resident in the State while travelling by air between any one place in the State and any other place in the State, or

(c) a war injury sustained in the State by a person ordinarily resident outside the State.

(2) The Claims Officer may withhold or cancel the award of any payment under this Scheme, if he is satisfied that the person to whom the award might be or has been made is or has become ordinarily resident outside the State.

36. Where the qualifying injury, or where the incapacity for work, disablement or death resulting from a qualifying injury is shown to the satisfaction of the Claims Officer to be mainly attributable to the negligence or misconduct of the person sustaining the injury, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury or may reduce amount of the award.

Effect of contributory negligence.

37. When the person sustaining a qualifying injury is a member of a civil defence organisation and it is shown to the satisfaction of the Claims Officer that such person when required by Government order to be present in a certain locality or at a certain post failed to be present or being present failed to remain in that locality or that post as the case may be, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury.

Effect of desertion of post by member of Civil Defence organisation.

38. Where a person who has sustained qualifying injury refuses to undergo medical treatment or an operation calculated to restore his health or to cure or reduce disablement caused by the qualifying injury and a competent medical authority certifies that such refusal is in the circumstances unreasonable, then —

(a) if the person dies, and a competent medical authority certifies that the death was due to the refusal to undergo medical treatment or an operation, no family pension or child's allowance shall be awarded ;

(b) If a competent medical authority certifies that medical treatment or an operation will cure the disablement caused by the qualifying injury, no disability pension shall be awarded and

(c) if a competent medical authority certifies that medical treatment or an operation will reduce the disablement to a lower percentage, a disability pension appropriate to that lower percentage only shall be awarded.

39. (1) Any person in receipt of a temporary allowance or disability pension shall, if required by the Claims Officer by notice in writing so to do, submit himself for medical examination by the competent medical authority ;

Provided that a person shall not be required so to present himself ;—

(a) if in receipt of a temporary allowance, at intervals of less than two months, or

(b) if in receipt of a disability pension which has not been awarded for life, at intervals of less than six months, or

(c) if in receipt of a disability pension which has been awarded for life, at intervals of less than two years.

(2) Where any person refuses or, without reasonable cause, fails to submit himself for medical examination when required so to do under sub-clause (1), the Claims Officer may cancel with effect from the date of such refusal or failure the award of allowance or pension made to that person.

(3) Where the award has been cancelled under the sub-clause (2), the Claims officer may refuse to entertain any subsequent application for an allowance or pension under the Scheme in respect of the injury for which the cancelled award was made.

40. If the person to whom a pension or allowance under this Scheme has been awarded has not attained the age of eighteen years, or if he is, in the opinion of the Claims Officer,

Where payee is incapable of managing his own affairs.

mentally firm so as to be incapable of managing his own affairs, or if in any other case the Claims Officer considers in the interest of that person, the Claims Officer, may either of his own motion or on application made to him, pay the pension or allowance to any other person whom the Claims Officer thinks best fitted to provide for the welfare of the person to whom the award has been made, or may apply the amount in any other manner for his benefit.

41. Where a person to whom a pension or allowance under this Scheme might be or has been awarded is convicted by a Court of an offence and sentenced to a term of imprisonment or detention in a Borstal school, the Claims Officer may withhold or cancel the award.

42. The Claims Officer may at any time review any award made under this Scheme and if it appears to him that by reason of a mistake of fact or a change in the condition or circumstances of the person to whom the award was made or for any other reason whatsoever it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded or cancel the award or make a fresh award.

Provided that no pension or allowance shall be increased beyond the limits specified in or for the purposes of this Scheme.

43. All matters falling to be decided under this Scheme in connection with the award of payments under the Scheme shall, where other specific provision is not made in this Scheme, be decided by the Claims Officer; but in all matters relating to the extent or effect of injuries, the existence or non-existence of incapacity for work, and degrees of disablement, the Claims Officer shall decide in accordance with the opinion of or a certificate given by, a competent medical authority.

43. (1) An authority appointed in this behalf by the Government may, if it thinks fit and subject to sub-clause (2) review any award made or order passed under this Scheme by a Claims Officer.

(2) The provisions of clauses 42 and 43 shall apply *mutatis mutandis* to reviews under sub-clause (1).

44. The Government may at any time by notification in the Government Gazette alter the rate of payments which may be awarded under this Scheme.

45. Exceptional cases of hardship not covered by the provisions of this Scheme may be submitted by the Claims Officer to the Government which may make such orders as it thinks fit.

46. The Government or any officer authorised by the Government may, in accordance with any regulations made in this behalf, make payments for medical and surgical treatment provided for persons who have sustained qualifying injuries.

47. The Government may make regulations for giving effect to the purposes of this Scheme.

Power of Government
to make regulations.

SCHEDULE I.

1. The following organizations when established by the Government .—

- (a) Auxiliary Fire Service.
- (b) Control and Report Service.
- (c) Air-raid Warden Service.
- (d) Fire Prevention Service.
- (e) First aid, Casualty and Ambulance Service.
- (f) Rescue Service
- (g) Gas identification Service.
- (h) Decontamination Service.
- (i) Messenger Service.
- (j) Instructor Service.
- (k) Mortuary Service.
- (l) Such other Air Raid Precautions and civil defence organisations as may be notified by the Government.

2. The following organisations when recognised for the purposes of this Scheme by the Government.

Private organisations to carry out any of the following services :—

- (I) Decontamination Service.
 - (II) Messenger Service.
 - (III) Fire Service.
 - (IV) Raid Spotter Service.
 - (V) Keymen Service.
 - (VI) Public Utility Emergency Repair Service.
 - (VII) Auxiliary Nursing Service (A. R. P.) Branch.
 - (VIII) Control and Report Service.
 - (IX) Air Raid Warden Service.
 - (X) Fire Prevention and Watchers Service.
 - (XI) First Aid, Casualty and Ambulance Services.
(including drivers).
 - (XII) Rescue Service
 - (XIII) Instructor Service.
 - XIV. Any other service designated in this behalf by order of the Government.
3. The Civil Pioneer Force.
3. Maharaja Guards.
-

SCHEDULE II.

(I) For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows :—

Serial No.	Specified injury.	per cent.
1	Loss of two or more limbs Loss of an arm and an eye Loss of a leg and an eye Loss of both hands or of all fingers and thumbs Loss of both feet... .. Loss of a hand and a foot Total loss of sight... .. Total paralysis Lunacy Wounds, injuries or disease resulting in disabled man being permanently bed-ridden. Wounds of, or injuries to internal thoracic or abdominal organs, involving total permanent disabling effects. Wounds of, or injuries to, head or brain involving total permanent disabling effects or Jacksonian epilepsy. Very severe facial disfigurement Advanced cases of incurable disease	100
2	Amputation of right arm through shoulder... .. Amputation of leg at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter ; of right arm below shoulder with stump not exceeding 6 inches measured from tip of acromion ; or of left arm through shoulder.	90
3	Lisfranc operation, both feet Amputation of leg below hip with stump exceeding 5 inches in length measured from tip of great trochanter but not below	80

	middle thigh ; or left arm below shoulder with stump not exceeding 6 inches measured from top of acromion ; or of right arm below shoulder with stump exceeding 6 inches measured from tip of acromion, through elbow, or below elbow, with stump not exceeding 5 inches measured from tip of olecranon.	
4	Severe facial disfigurement	40
	Total loss of speech	
	Amputation of leg below middle thigh, through knee or below knee with stump not exceeding 4 inches, or left arm below shoulder with stump exceeding 6 inches measured from tip of acromion through elbow or below elbow, with stump not exceeding 5 inches measured from tip of olecranon ; or of right arm below elbow with stump exceeding 5 inches measured from tip of olecranon.	
5	Total deafness	
	Amputation of leg below knee with stump exceeding 4 inches.	
6	Amputation of left arm below elbow with stump exceeding 5 inches measured from tip of olecranon	50
	Loss of thumb or four fingers of right hand	
	Loss of vision of one eye	
7	Li-franc operation one foot	40
	Loss of all toes both feet above knuckle.	
	Loss of thumb or four fingers of left hand or three fingers of right hand.	
8	Loss of all toes of one foot above knuckle	30
	Loss of all toes of both feet at or below knuckle.	
9.	Limited restriction of movement of joints through injury without penetration,	

Serial No.	Specsified injury.	Per cent.
	limited function of limb through fracture	20
9	Loss of two fingers of either hand	20
	Compound fracture of two or more fingers or of thumb of either hand with impaired function.	

II When the wound or injury or illness causing the disability is not entered in the above schedule, the disability shall be assessed by the medical board at the percentage shown in the above schedule mostly closely corresponding to it.

Regulation No.

In exercise of the powers conferred by clause 47 of the War Injuries Scheme, 1999, the Government are pleased to make the following Regulations, namely :—

1. These Regulations may be called the War Injuries Regulations, 1999.

Title.

2. In these Regulations “Scheme” means the War Injuries Scheme, 1999 ; “Form” means Form appended to these Regulations and other expressions have the same meaning as in the Ordinance or the Scheme.

Interpretations.

3. (a) Every leader of a first-aid party shall attach to every casualty a tie-on label in Form A-1.

Casualty report.

(b) Every officer in-charge of a first-aid post shall maintain a record of cases coming to his post in Form A-2.

(c) Every person in-charge of a hospital or a dispensary shall maintain a record of war injuries or war service injuries treated and documents in the Forms BI, B2, B3 and B4. He shall also maintain a list of patients under treatment in Form B5.

(d) Every officer in charge of first-aid post or person in-charge of a hospital or a dispensary shall, as soon as possible after the admission of a person sustaining a war injury or a war service injury, send a signed report in the appropriate form to the Claims Officer.

(e) It shall be the duty of the police to ascertain the name and other particulars of all persons who are killed or who die before admission to hospital and report the circumstances to the Claims Officer, and every Police officer shall make such further reports as the Claims Officer may from time to time call upon him to do.

4. (a) The Government may constitute medical authorities, for such areas and for such purposes of the Scheme and these Regulations as the Government may deem necessary and consisting of such number of persons as they may think fit. Members of such Medical Authorities shall be registered Medical Practitioners or Medical Officers of Government, and if there is more than one member in any authority, one of them shall be appointed by the Government to be the President.

(b) The Claims Officer may refer any medical question to the Medical Authority for its opinion.

(c) For the purposes of certification of incapacity for work the Claims Officer shall ordinarily obtain a certificate from a Medical Officer not lower in rank than an Assistant Surgeon or such other Medical Practitioner as may be specified by Government.

(d) The Claims Officer shall ordinarily refer all cases relating to the grant of pensions to the Medical authority.

5. An application for temporary allowance shall be made in Form C to the Claims Officer by the persons who has sustained the qualifying injury, through the person in charge of the hospital or dispensary where he received or is receiving treatment, or if he did not receive treatment in any hospital or dispensary, through the officer in charge of the First Aid Post at which he received attention or the officer in-charge of the Police Station or Fire Aid Post to which the facts of his injury were reported.

6. (a) An application for a disability pension shall be made in Form D to the Claims Officer by the person who has sustained the qualifying injury, through the person in-charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or the registered Medical Practitioner who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.

(b) No application for a disability pension shall be entertained unless it is supported by a certificate of disability in Form E granted by a Medical authority; application there-

for shall be made to the Medical authority for the area in which the injured person resides by the injured person, or if he is incapable of making it himself, on his behalf by another person.

7. An application for a family pension or for a family pension and children's allowance shall be made in Form F to the Claims Officer by the person to whom payment thereof, if sanctioned, would be made under the provisions of the Scheme.

8. Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer may entertain any application made on such person's behalf by any other person.

9. The Claims Officer, on receiving an application for an allowance or pension under the Scheme and after considering the reports and certificates pertaining to the case and after obtaining such other evidence, if any as he considers necessary, shall make his award in Form G. He shall briefly record separately the reasons for his award. A signed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent; a true copy shall be sent to the Audit Officer specified for this purpose by the Government, together with attested specimens of the thumb and finger impressions of the payee and his signature, if literate; and another true copy shall be sent to the treasury where the payment is to be made.

10. The Claims Officer or the authority appointed under clause 43-A of the Scheme shall have the power to examine witnesses and call for such evidence as he considers necessary in the same manner as a civil Court under the provisions of the Code of Civil Procedure 1977 (Act X of 1977) and shall have, in particular, the powers conferred by section 32 of that Code.

11. (a) All allowances and pension under the Scheme shall be payable at the tehsil treasury within whose jurisdiction the payee ordinarily resides.

(b) All allowances and pensions shall be drawn within one month of the date when they are due. The Wazir-i-Wazarat concerned may, however, at his discretion make payment of full arrears within three months of the due date in the case of temporary allowances, and when the Claims Officer has condoned a delay under Section 10 of the Scheme, within three months of the date of the order condoning the

delay. In the case of other awards, similarly he may make payment of full arrears within one year of the due date or of the date of the order condoning any delay, as the case may be.

(c) All such payments from time to time be endorsed on the award by the Wazir-i-Wazarat.

12. On an application made to him by or on behalf of the holder of an award of any pension or allowance, the Claims Officer may, for sufficient reason, transfer the place of payment and shall endorse the award accordingly. He shall also inform the tehsil treasury concerned of the transfer so effected.

13. (a) With every award when presented for payment there shall be produced a certificate of life pertaining to the beneficiary or beneficiaries under the award, signed by a Gazetted Officer (in service or retired) of Government, a Magistrate or a Police Officer not below the rank of a Sub-Inspector, or any other person authorised by general or special order by the Government. Where the claimant is undergoing treatment as an in-patient at a hospital or dispensary, the certificate shall be signed by the person in-charge thereof.

Provided that where a beneficiary is present at the time of payment of an allowance or pension under the Scheme, no life certificate in respect of him shall be required but his identity shall be proved to the satisfaction of the Wazir-i-Wazarat.

(b) On every occasion when the award of a family pension or of a family pension and children's allowance is presented for payment, the person to whom the same is payable shall give a certificate in Form H.

14. (a) If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modification thereof to require under any of the said provisions the cancellation or modification of the award, a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon.

(b) On receipt of any such report, the Claims Officer shall after making such inquiries, if any, as he may deem necessary, cancel or modify the award in accordance with the provisions of the Scheme, and shall inform the treasury of payment accordingly.

FORM A-I.

CASUALTY LABEL OBVERSE.

Date.

Name.

Casualty Book No.

Father's or Husband's name.

Injury.

T M H G X.

Treatment.

Morphia, Dose and Time

{ T = Tourniquet
M = Morphia.
H = Haemorrhage.
G = Gas and contamination.
X = Immediate attention.

Instructions.

Officer in charge.

REVERSE.

(Red and Green labels).

Red: Direct to Hospital.

Green: To First Aid Post.

*Cross out where applicable.

If C. D. V. on duty/off duty.

(State source of information).

REVERSE.

(White lables).

White: Walking Case.

This card should be given to patients with minor injuries, sent home after treatment, with instructions, where necessary to present it at the nearest hospital for further treatment (on same or the next day).

The Casualty Book number should be entered on the card.

FORM A-2.

This copy to be preserved at F. A. P.
Casualty Book.

This copy to be sent to the local A. R. P.
Head-quarters which will forward it to
the War Injuries Claims Officer
Casualty Book.

F. A. Post.

No.

Town and District.

F. A. Post.

No.

Date and time of arrival.

Town and District.

Name.

Age.

Sex.

Date and time of arrival.

Father's or Husband's name.

Name.

Age.

Sex.

Community.

Caste.

Father's or Husband's name.

Occupation.

If C. D. V. on duty/off duty.

Community.

Caste.

Address.

Occupation.

If C. D. V. on duty/off duty.

By whom brought.

Address.

Nature and cause of injury.

By whom brought.

(Note if gassed).

Nature and cause of injury.

Treatment.

(Note if gassed).

A. T. Serum.

Morphia, dose and time.

Disposal.

Disposal.

Medical Officer in charge.

Medical Officer in charge.

When an injured person is sent home after treatment this form should be completed before he leaves the F. A. post and he should be given a casualty label on which should be entered the casualty book number.

This copy should be completed and forwarded to the local A. R. P. Headquarters as soon as possible.

This copy to be retained in Hospital.

War Casualty.

In-patient Book.

No.

Hospital.

Town and District.

Date of admission.

Name.

Age.

Sex.

Father's or Husband's name.

Community.

Caste.

Address.

Occupation.

(Note if C. D. V.)

Where first treated (with date).

P. A Post at.....

By whom brought.

Date of injury.

Name and probable cause of injury.
(Note if gassed).

Name and address of next of kin.

Date of discharge.

Transfer to out-patients Department.

Medical Officer.

This copy to be sent to the War Injuries Claims Officer through local A. R. P. Headquarters.

War Casualty

In patient Book.

No.

Hospital

Town and District.

Date of admission.

Name.

Age.

Sex.

Father's or Husband's name.

Community.

Caste.

Address.

Occupation (Note if C. D. V.)

Where first treated (with date).

P. A Post at.....

By whom brought.

Date of injury.

Name and probable cause of injury.
(Note if gassed).

Name and address of next of kin.

Date of discharge

Transfer to out-patients Department

Medical Officer.

FORM B-2.

FORM B-2.

This copy to be retained in Hospital.

War Casualty.

Out patient Book.

Hospital/Dispensary No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.).

Where first treated (with date)

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D.

Whether incapacitated for work.

Medical Officer

Date.

This copy to be sent to the Claims officer through Local A. R. P Headquarters.

War Casualty.

out-patient Book.

Hospital/Dispensary. No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.)

Where first treated (with date)

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D.

Whether incapacitated for work.

Medical Officer.

Date.

This copy to be given to the patient.

War Casualty.

Out-patient Book.

Hospital/Dispensary, No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.).

Where first treated (with date).

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D.

Whether incapacitated for work.

Medical Officer.

Date.

Keep this carefully and take it with you when you go to the Hospital.

Date for further treatment and discharge.

Date. Whether incapacitated for work. Signature of M. O.

To be kept in the Hospital and filled up on each occasion when the patient is treated.

When discharged with "Discharged" and the date.

Particulars of any refusal to undergo treatment should be noted.

Dates for further treatment and discharge.

Date. Whether incapacitated for work. Signature of M. O.

FORM B-3.

WAR CASUALTY.

Discharge certificate.

Name (Capitals).

Age.

Father's or Husband's name

Address.

Was under In/Out patient treatment from to

at Hospital/Dispensary.

Town..... District.....

Casualty Book No.....Out patient Record No.....

In-patient Record No.....

Suffering from

.....

the result of war injury on

at

and was discharged on

MEDICAL OFFICER,

Date.....

.....Hospital.

(1) For the patient, (2) For the War injuries Claims Officer. (3) For the Hospital Record, or to be placed in large envelope. (Signature or Thumb impression of the patient on this to act as receipt).

1. Whether patient refused to undergo
any medical treatment ... Yes/No.
2. Whether still incapacitated for
work ... Yes/No.
3. Particulars of disability due to war
injury still continuing, if any.....
.....
4. Whether disability is capable of
improvement ... Yes/No/Doubt-
ful.

MEDICAL OFFICER.

FORM B-4.

WAR CASUALTY.

Cover for Medical History Documents.

Full name (in capitals). Father's or Husband's name.

Community.

Caste.

Age

Occupation.

(Note if C. D. V.)

Address.

Date and place of injury.

Name and address of next of kin.

In-patient Record No.

Date of

Name of Hospital, Town
and District.Admission. Discharge
or
Transfer.Admission
Record
No.

This envelope will be prepared by the hospital to which a patient is first admitted and all medical documents relating to the case will be placed in this envelope, which with its contents should be transferred with the patient on transfer to another hospital, and on final discharge or death should be transmitted under cover to

FORM B-5.

STATEMENT OF IN/OUT PATIENTS WITH WAR INJURIES UNDER TREATMENT
ON THE 1ST/15TH OF.....20 .

Serial No.	Name.	Father's or husband's name.	Age/Sex.		Community.	Caste.	Whether out-patient (O. P.) or in-patient (I. P.)	No. in I. P. Book.	No. in O. P. Book and date of last treatment.	Whether in- capacitated for work on date of last treatment.	REMARKS.
			M	F.							

NOTES.—(1) If an out-patient fails to attend for a period of 14 days the fact should be noted in the “remarks” column.
(2) If a patient fails to attend for one month the fact should be noted, and his name should not be included in later lists.

MEDICAL OFFICER,

..... Dispensary/Hospital.

FORM C.

APPLICATION FOR TEMPORARY ALLOWANCE.

Claimant's full name (in capital).

Name of father (in the case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

What rate of allowance is claimed and justification for the claim.

Income before injury and source of the income.

Income after injury and source of the income.

Place where injury sustained.

Date of injury.

Cause of injury in detail.

Details of injury.

Whether attended to by A. R. P. volunteer, Maharaja's Guard, police or other organisation, if so details.

If taken to dispensary or hospital which and when?

If discharged from dispensary or hospital, when?

Did the injured person refuse medical treatment at a hospital or dispensary, and if so, why?

If attended to at residence by a medical practitioner details of place where treated and name of the medical practitioner.

Period of incapacity of work.

If temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1999 (other than that referred to above). I desire to draw the allowance, if sanctioned, at

Post Office.

(Signature of claimant).

Applicant's name.....

Father's name or Husband's name

Community or cast.....

In-patient Book No.....

Out-patient Book No

Date of admission as in-patient.....

Date of first treatment as out-patient.....

If discharged, date of discharge.....

Period during which, according to the hospital records, the
applicant was incapacitated for work (dates).....
From to

Whether at present incapacitated for work and, if so, probable
period during which incapacity will continue.....
.....

Did patient refuse any medical treatment? If so, give parti-
culars

MEDICAL OFFICER,

Date..... *Hospital/Dispensary.*

FORM D.

APPLICATION FOR DISABILITY PENSION.

Claimant's full name (in capitals).

Name of father (in the case of married woman, of husband).

Age.

Date of birth.

Caste

Profession.

Residence.

Nationality.

What rate of pension is claimed and justification for the claim.

Income before injury and source of the income.

Income after injury and source of the income.

Place where injury sustained ... Date of injury.

Cause of injury in detail ...

Details of injury ...

Whether attended to by A R. P. volunteer, Maharaja's Guard, Police or other organisation, if so details ?

If taken to dispensary or hospital, which and when ?

If discharged from dispensary or hospital when ?

Did the injured person refuse medical treatment at a hospital, or dispensary and if so, why ?

If attended to at the residence by a medical practitioner details of place where treated and name of medical practitioner.

If any temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I desire to draw the pension, if sanctioned at.....

Post Office.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1999 (other than that referred to above).

(SIGNATURE OF CLAIMANT).

FORM E.

CERTIFICATE OF DISABILITY.

Medical Authority.

Name of injured person (in capitals).

Name of Father (in case of married woman, of her husband).

Age.

Caste.

Residence.

Profession.

Nationality.

Date of examination by the authority.

Particulars of disability and probable cause.

Degree of disability in terms of clause 11 of the War injuries Scheme 1999.

Is the disability capable of improvement ?

If not, estimate probable further duration of disability and state if the person should be put up for the examination again, and when.

SIGNATION OF MEMBERS OF THE AUTHORITY.

FORM F.

APPLICATION FOR FAMILY PENSION AND CHILDREN'S ALLOWANCE.

Applicant's full name (in capitals).

Name of father (in case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality

Relationship with deceased.

Income of applicant before death of deceased and source of such income.

Income of applicant after death of deceased and source of such income.

Full name of deceased (in capital).

Place of death.

Cause of death.

Was deceased attended to by A. R. P. volunteer, Maharaja's Guard, police or other organisation if so, details.

If deceased received any medical treatment, details thereof including place where received.

If deceased died in any hospital or dispensary, state details.

If not give any other proof of death,

e. g. affidavits, or/any certificates
by a gazetted officer, Magistrate,
or sub-inspector of police.

Did deceased draw any allowance
under the War Injuries Scheme,
1999, prior to death, if so de-
tails as to award, rate and
amount drawn prior to death.

Is any special pension or allowance awarded from public
funds in respect of the death of the deceased.

If deceased has any of the following relatives living at
the time of his death, give details * in respect of each :—

Widow, or widows, father, mother, actual and legitimate
son (s), actual and legitimate daughter (s), State also if any
has since died, or whether any female relative has since
married or unmarried.

Date of birth	... Age	...	} In the case of all eligible re- latives.
Residence	... If staying else- where than.		

With applicant state details ...

In the case of daughter.....
whether married.

*If necessary, this may be done on a sheet to be attached and Signed.

In the case of children.....
Guardian, if any other than ap-
plicant.

If any of the said relatives or the
applicant.

(1) draws any other pension from
public funds, state details as to
source and amount.

(2) holds any appointment under
Government or local authority, state
details and rate of emoluments.

Amount and particulars of the
claims made :—

I desire to draw the pension (and
allowance), if sanctioned, at.....
.....Treasury.

I certify that the information furnished in the statement
is to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or
allowance under the War Injuries Scheme, 1999.

(SIGNATURE OF CLAIMANT).

FORM G.

AWARD UNDER THE WAR INJURIES SCHEME, 1999.

Claimed Officer for.

(area).

Name.

Name of person receiving war
injury killed.

Age.

Caste.

Nationality.

Pension or allowance in favour of
(block capitals).

Residence.
Profession.

Name of father of such person (in
the case of married woman, of
husband).

Description of such person.

Age.

Caste.

Nature of award (state whether
temporary allowance, disability
pension, or family pension and
children's allowance).

Amount of pension or allowance Rs.
per

In the case of children's allowance,
particulars of amount and children
in respect of whom made stating
their dates of birth.

Guardian, if any.

Period for which pension is
sanctioned, with the date of
commencement.

Payable at..... Treasury.
on the of each.....

Residence.
Profession.

Forwarded to the payee through
the Tehsildar of
Wazir Wazarat.

Date and signature of
Claims Officer.

..... District,

Period.	Amount.	Signature or thumb impression of payee.	Signature of Treasury Officer or other autho- rised officer.	Date stamp of office.
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1	2	3	4	5
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FORM II.

CERTIFICATE OF CONTINUING ELIGIBILITY.

I (name, father's or husband's name and address) being the person to whom the family pension (and children's allowance) (s) sanctioned under Award No. is/are payable, hereby certify.

(I) that I remain eligible under the provisions of the War Injuries Scheme, 1999, to receive the same, and

(II) that no circumstances have arisen since the making (of the last modification) of the said award which under any of the said provisions would operate to require the cancellation or (further) modification of the said Award.

Date.....

.....

(Signature or thumb impression)

(To be countersigned, in cases where the payee is not present in person at the Treasury of payment, by a Gazetted Officer of Government, a Magistrate or a Police Officer not below the rank of Sub-Inspector or any other person authorised by general or special order by the Government).

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6
HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

ORDINANCE NO. X OF 1999.

An Ordinance to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.

CAT



JAMMU:

Printed at The Ranbir Government Press—29-4-2000—401.

1943.

12
X. DIVISION
7.8.42

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR
SPECIAL SECRETARIAT (WAR WORK BRANCH).

Ordinance No. X of 1999.

AN ORDINANCE TO MAKE PROVISION FOR THE GRANT OF RELIEF IN RESPECT OF CERTAIN PERSONAL INJURIES SUSTAINED DURING THE CONTINUANCE OF THE PRESENT HOSTILITIES.

WHEREAS an emergency has arisen which renders it necessary to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities ;

Now therefore in pursuance of the powers vested in us under section 5 of the Jammu and Kashmir Constitution Act, 1996 We are hereby pleased to promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Injuries Ordinance, 1999.

Short title extent and commencement.

(2) It extends to the whole of the Jammu and Kashmir State.

(3) It shall come into force at once.

(4) It shall cease to be law from such date as His Highness may by order declare to be the end of the emergency which was the occasion of its promulgation.

INTERPRETATION.

2. In this Ordinance, unless there is any thing repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Ordinance and the scheme ;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained ;

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Ordinance and ending with such date as the Government may, by notification in the Government Gazette, declare to be the date on which the present hostilities terminated ;

(4) "gainfully occupied person" means a person who is engaged in any trade, business profession, office, employ-

CA

ment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent ;

(5) "scheme" means a scheme made under this Ordinance ;

(6) "war injury" means a physical injury—

(a) caused by—

(i) the discharge of any missile (including liquids and gas) or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Highness or any allied power, or any part of, or anything dropped from, any such aircraft ;

(7) "war service injury", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity ;

Provided that before being so satisfied the Government or other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this Ordinance providing for the grant of relief in respect of the following injuries sustained during the continuance of the present hostilities, namely :—

Power to make schemes for relief in respect of war injuries and war service injuries.

(a) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in

the scheme) and by persons of such other classes as may be so specified ; and

(b) war service injuries sustained by civil defence volunteers

2) A scheme may authorise the Government, or any authority authorised by the Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured:—

(a) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (b) ;

(b) payments otherwise than by way of temporary allowance which shall be payable only where the injury causes serious and prolonged disablement or death ; and

(c) payments for the purchase of or the grant at the cost of Government of artificial limbs or surgical or other appliances and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make regulations for giving effect to the purposes of the scheme.

4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority as the case may be but save in so far as it is so varied shall be final and conclusive.

4. (i) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section would whether by virtue of any enactment or by virtue of any contract or at common law, be payable.—

Relief from liability to pay compensation or damages.

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury, sustained by

a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer, on the ground that the injury, in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if.—

(a) an application for a payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(b) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(c) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(d) the proceedings are commenced within one month from the date of the said certificate.

5. (1) Where it is necessary in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may by notice in writing require:—

(a) any person who was an employer of the injured person during that period, or

(b) any other person having any knowledge with respect to the financial circumstances of the injured person during that period;

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person—

(a) fails to comply with the requirements of any such notice, or

(b) in purported compliance with any such notice knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive, he shall be punishable with fine which may extend to three hundred rupees.

3-A (i) The person managing any dispensary or hospital shall if so required by the Government by general or special order :—

(a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply when so required with the provisions of this section he shall be punishable with fine which may extend to one thousand rupees.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

(Sd) HARI SINGH,

MAHARAJA,

Jammu and Kashmir.

Notification.

In exercise of the powers conferred by sub-section (1) of section 3 of the War Injuries Ordinance, 1999, the Government are pleased to make the following Scheme, namely :—

PART I.**INTRODUCTORY.**

1. (1) This Scheme may be called the War Injuries
Short title and com-
 mencement. Scheme, 1999.

(2) It shall come into force at once

2. (1) The General Clauses Act, 1977 (XX of 1977),
Interpretation. applies to the interpretation of this Scheme
 as it applies to the interpretation of an
 Act.

(2) In this Scheme :—

(a) "Ordinance" means the War Injuries Ordinance, 1999.

(b) "civil defence organisation" means any such organisation as is mentioned in clause 3 of this scheme ;

(c) "claims officer" means any authority appointed by the Government to make payments under this scheme ;

(d) "competent medical authority" means any medical authority appointed for the purposes of this scheme by the Government ;

(e) "injury for which relief may be given on the higher scale" means an injury which is :—

(i) a war injury sustained by a civil defence volunteer which is shown to the satisfaction of the Claims Officer to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, or

(ii) a war injury sustained by a person engaged in any employment specified in this behalf by the Government, if on the day on which the injury was sustained he was on duty in connection with that employment or would have been on duty sent for that day being a recognised holiday or day of rest or for his being casually absent from duty on account of illness or other similar cause, or for

any other reason which in the opinion of the Claims Officer was good and sufficient.

(f) "public funds" means money provided by the Government or by a local authority

(g) "qualifying injury" means an injury in respect of which a payment under this scheme may be made.

3. It is hereby declared that the organisations of persons specified in the Schedule I to this Scheme are "civil defence organisations" for the purposes of the Ordinance and this scheme.

Civil defence organisations for purposes of Ordinance and Scheme.

4. Subject to the provisions of this Scheme a payment under Scheme may be made in respect of any injury sustained during continuance of the present hostilities which is :—

Injuries in respect of which awards may be made.

(a) a war service injury sustained by a civil defence volunteer, or

(b) a war injury sustained by a gainfully occupied person, or

(c) a war injury sustained by any such other person or persons of such other class as may be notified in this behalf by the Government, or

(d) a war injury causing death, sustained by a person substantially dependant for his livelihood on a pension, annuity or other income ceasing with his death.

PART II.

TEMPORARY ALLOWANCE.

5. Where a qualifying injury has incapacitated a person for work for a period of not less than seven consecutive days that person shall be entitled to be awarded in respect of that injury an allowance (in this Scheme referred to as a temporary allowance) in accordance with the following provisions of this Scheme.

Award of temporary allowance.

6. A temporary allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.

Conditions of payment of temporary allowance.

7. Temporary allowance shall be paid half-monthly in arrears on the 1st and 16th of each month. If the incapacity for work ceases during a

Mode of payment.

half monthly period, no payment shall be made unless during that period the incapacity has existed for not less than seven days, in which case the payment shall be proportionately reduced.

8. Temporary allowances shall, subject to the provisions of clause 32 of this Scheme be payable at the following rates, namely:--

(a) where the injury is one for which relief may be given on the higher scale, at the half-monthly rate of nine rupees ;

(b) in the case of any other injury, at the half monthly rate of six rupees and twelve annas.

9. A temporary allowance shall cease to be payable to a person on the date on which a disability pension under Part III of this Scheme becomes payable to him.

10. Any payment by way of temporary allowance not drawn within three months from the date on which it might first have been drawn shall cease thereafter to be payable ;

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the payment, he may condone the delay.

11. When a person who, but for the provisions of clause 30 of this Scheme, would have been entitled to be awarded a temporary allowance, reaches the age of fifteen before the end of the sixth month from the date on which the qualifying injury was sustained, he shall, subject to all the provisions of this Chapter, then become entitled to be awarded a temporary allowance.

PART III.

DISABILITY PENSIONS TO PERSONS WHO HAVE SUSTAINED INJURIES CAUSING SERIOUS AND PROLONGED DISABLEMENT.

12. Where a qualifying injury sustained by a person causes him serious and prolonged disablement, he shall be entitled to be awarded in respect of that injury a pension (in this Scheme referred to as a disability pension), in accordance with the following provisions of this Scheme.

13. (1) For the purpose of assessing the rate of disability pension, disablements shall be expressed in percentages as set forth in the Schedule II

to this Scheme. Where there is more than one disablement the total disablement shall be expressed as the sum of the disablements, so however as not in any case to exceed 100 per cent.

(2) When the wound, injury or illness causing the disablement is one not provided for in the Schedule II to this Scheme, the disablement shall be estimated by a competent medical authority at the percentage shown in the said Schedule most closely corresponding to it.

14. (1) Where the disablement resulting from a qualifying injury is expressed or estimated as 20 per cent, or even, a disability pension shall, subject to the provisions of clause 32, be awarded at the following rates, namely :—

Where the percentage of disablement is.	If the injury is one for which relief may be given on the higher scale.	If the injury is not one for which relief may be given on the higher scale.
---	---	---

	Rs. per mensem.	Rs. per mensem.
100	18	13 8 0
90	16	12 0 0
80	14	10 8 0
70	13	9 12 0
60	11	8 4 0
50	9	6 12 0
20 to 40	8	6 0 0

(2) Where the disablement is not more than 50 per cent. the Claims Officer may, if he is satisfied that the injured person is not debarred from all means of livelihood, substitute for the disability pension a lump sum payment calculated at 70 times the monthly payment specified in the foregoing sub-clause.

15. (1) If before the end of the six month from the date on which the injury was received, the competent medical authority certifies that the disablement caused to a person by a qualifying injury is permanent and incapable of diminution, the Claims Officer may at once award to that person, in accordance with sub-clause (1) of clause 14, a disability pension payable for life, or in accordance with sub-clause (2) of clause 4, a lump sum payment.

(2) If at the end of the six months from the date on which the injury was received, or at any time within those six months when the injured person ceases to be entitled to a temporary allowance, it remains uncertain whether the disablement is permanent and incapable of diminution, the pension shall in the first instance be awarded for two years only and, on the expiry of those two years, shall be awarded for life in accordance with the assessment then made by the competent medical authority of the percentage of the disablement subsisting.

(3) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded and thereafter the disablement increases to a higher percentage than that on which the award was based, and such increase is certified by a competent medical authority to be attributable to the original qualifying injury, the Claims Officer may increase the disability pension to the appropriate higher rate with effect from the date on which the increased disablement is established by the certificate of the competent medical authority.

(4) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded, and thereafter the disablement decreases to a lower percentage than that on which the award was based, the Claims officer may decrease the disability pension to the appropriate lower rate with effect from the date on which the decreased disablement is established by the certificate of the competent medical authority.

16. Disability pensions shall be payable quarterly in arrears :
Mode of payment .

Provided that if the Claims Officer considers that this course may result in hardship in any particular case he may order that the pension shall be payable monthly in arrears.

17. (1) Where a person to whom a disability pension has been awarded, fails to draw that pension for a continuous period of not less than twelve months, the Claims Officer shall cancel the award, and no payment of the arrears of that pension shall be made.

(2) Where a person, to whom a lump sum payment has been awarded under sub-clause (2) of clause 14 fails to draw that sum within twelve months from the date of the award, the Claims Officer shall cancel the award and no further

claim to pension or to lump sum payment shall be entertained :

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure referred to in sub-clause (1) of this clause, he may condone the failure.

18. When a person who, but for the provisions of clause 30 of this Scheme, should have been entitled to be awarded a disability pension, reaches the age of fifteen, he shall then become entitled to be awarded a disability pension, the amount of the award being based on his disablement as assessed at the time he reached the age of fifteen.

PART IV.

FAMILY PENSIONS AND CHILDREN'S ALLOWANCES.

19. (1) When a person dies as the result of a qualifying injury, there shall be payable, in accordance with the following provisions of the Scheme :—

Family pensions and children's allowances purpose and amount.

(a) to one surviving eligible member of his family a pension, in this Scheme referred to as a family pension, and

(b) to each of his legitimate children and allowance in this Scheme referred to as a child's allowance.

(2) A family pension, though payable to one surviving eligible member of a family only, is intended for the support of all surviving eligible members of the family.

(3) The amount of a family pension shall, subject to the provisions of clause 32 of this Scheme, be eight rupees monthly.

(4) The amount of the child's allowance shall subject to the provisions of clause 32 of this Scheme, be two rupees monthly for each child so long as a family pension continues to be paid to any surviving eligible member of the family and three rupees monthly for each child if no family pension is being paid.

(5) If the person to whom a family pension is payable is a minor, the pension shall be paid for the benefit of the eligible members of the family to the legal guardian of such a person.

(6) A child's allowance payable to a minor child shall, unless the Claims Officer otherwise directs, be paid for the

benefit of the child to the person to whom the family pension under the award is payable, or if such person is himself a minor or if no family pension is payable under the award, to the legal guardian of the child.

20. "Eligible member of a family" means, in relation to a person dying as the result of a qualifying injury,—
Members of a family who are eligible.

- (1) his widow lawfully married by a valid ceremony;
 - (3) his father;
 - (3) his mother;
 - (4) a legitimate son but not an adopted son;
 - (5) a legitimate daughter but not an adopted daughter
- provided in each case that none of the conditions necessary for eligibility under clause 21 is infringed.

21. The following are the conditions governing the eligibility of the five classes of persons mentioned in clause 20 :—
Conditions of eligibility.

(1) A widow shall not be eligible if she remarries, unless such marriage is with her deceased husband's brother and she continues to live a communal life with, or to contribute to the support of, other living eligible members.

(2) The father shall not be eligible if at the time of the qualifying injury he is below the age of 50, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50.

(3) The mother shall not be eligible if at the time of the qualifying injury the father of the deceased is still alive but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time of the qualifying injury she shall continue to be eligible only so long as she remains unmarried. If at the time of the qualifying injury she was already remarried to a husband other than the father of the deceased she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

(4) A son shall not be eligible if he is above the age of 15 unless he is physically or mentally unable to support himself.

(5) A daughter shall not be eligible, if she has a husband living or marries.

22. (1) where there are surviving eligible members of more than one of the classes specified in the list in clause 20, the family pension shall be payable to the member specified earliest in that
Family pension by whom to be received.

list, of two or more widows the longest married taking precedence and if two or more children the eldest taking precedence.

(2) Where there is no widow surviving and the family pension has not been made payable to the father of the deceased solely because the father has not yet reached the age of 50, it shall unless it has under the provisions of sub-clause (3) of this clause ceased to be payable, be made payable to him on his attaining the age of fifty, subject to the sub-clause next following.

(3) When the member to whom the family pension is payable under the foregoing provisions of this clause dies or ceases to be eligible, then, whether there are other eligible members surviving or not, the family pension shall cease altogether to be payable except as provided in clause 25.

(4) No claim to receive a family pension shall be entertained if made by a member who has, by the time the claim is preferred, already ceased to be eligible.

23, A family pension when awarded shall become payable as from the day following that on which the qualifying injury causing the death was sustained :

Date
family
effect.

from
pension

which
takes

Provided that where the family member, to whom the pension would have been payable on that day, has, before the Claim Officer has made, the award, died or ceased to be eligible and the pension has consequently become payable to another member, the pension shall be payable to the last mentioned member as from the day following that on which the first mentioned member died or ceased to be eligible, and the arrears from the day following that on which the qualifying injury occurred up to the day on which the first mentioned member died or ceased to be eligible shall, subject to the provisions governing the payment of belated claim, be paid to the first mentioned member of his estate ;

Provided further that if, before the Claims Officer has made the award all the members who were eligible on the day following that on which the qualifying injury occurred have died or ceased to be eligible, the Claims Officer shall have full power to dispose of any arrears as he may think fit.

24. (1) If the Claims Officer is satisfied, on application made to him, that the member to whom a family pension is payable refused to contribute reasonably to the support of the other eligible members of the family or that a family pension payable to a child is not being utilised for the benefit of the other eligible

Division
pensions.

member of the family, he may divide the pension at his discretion among all the eligible members and make it payable as so divided to each member individually.

(2) Any such division shall not affect the provisions contained in sub-clause (3) of clause 22 but, so long as the member to whom the pension is originally awarded continues to be alive and eligible, if any member receiving one of the divided portions of the pension dies or ceases to be eligible, his share shall be added to the amount distributable to the member or members still surviving and eligible.

(3) A division under this clause shall not ordinarily be made at the instance of children in receipt of children's allowances, but the Claims Officer may even in such a case at his discretion make a division of the family pension to avert special hardship.

25. (1) A family pension which ceases to be payable Continuance of family pension. under sub-clause (3) of clause 22 may, either in whole or in part, be continued by the Claims Officer or be made again payable if he is satisfied that by the cessation of the pension the father or mother of the deceased or both who would but for the operation of that sub-clause have been at the time eligible members of the family, are left destitute.

(2) If the Claims Officer decided to continue or restore a family pension under the foregoing provisions of this clause, the pension shall be payable from such date as the Claims Officer may fix, not being earlier than the date on which the application for continuance or restoration is first received by the Claims Officer to the father if living and would have been eligible at the time but for the operation of sub-clause (3) of clause 22 or, if the father is not living, to the mother if she would have been eligible at the time but for the operation of these sub-clauses; but the amount of the pension shall be reduced by the amount of any income from permanent sources available to the father or mother or both.

(3) A family pension so continued or restored shall cease altogether to be payable when the person to whom it is continued or restored dies or ceases to be eligible.

Duration of payment of children's allowances 26. A child's allowance shall cease to be payable.

(a) to a male on his attaining the age of 15, and

(b) to a female on her attaining the age of 16 or on her marriage whichever of these dates is the later;

Provided that the Claims Officer may, if satisfied that the person to whom the allowance is payable is physically or

mentally unable to support himself, continue the allowance so however that it shall cease to be payable to a female on her marriage.

27. Family pensions and children's allowance shall be paid quarterly in arrears.

Mode of payment of family pensions and children's allowance.

Provided that, if the Claims Officer considers that this course might result in hardship in any particular case, he may order that the pension or allowance shall be payable monthly in arrears.

28. No award of family pension or child's allowance shall be made in any case where the death giving rise to the claim occurs more than seven years after injury.

qualifying injury causing the death was sustained.

29. Where a family pension or a child's allowance which has been awarded has not been drawn for a continuous period of not less than 12 months the Claims Officer shall cancel the award, and no payment of the arrears of that pension or allowance shall be made :

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension or allowance during such period he may condone the failure.

PART V.

PROVISIONS APPLICABLE TO AWARDS GENERALLY.

30. No payment under this Scheme shall, save as provided in clauses 11 and 18 be made in respect of any war injury sustained by a gainfully occupied person who is under the age of fifteen.

No awards in respect of war injuries to gainfully occupied persons under fifteen years of age.

31. (1) Except where the Claims Officer in any special case otherwise directs, an award under this Scheme shall not be made unless an application for that award is made in the manner prescribed by the regulations made under this Scheme and within the following periods, namely,

(a) where the claim is for a temporary allowance to a person incapacitated for work, a period of three months from the date of the qualifying injury, or if the incapacity first supervened after that period, a period of three months from

Applications for awards.

th inception of the incapacity :—

(b) where the claim is for a disability pension, a period of three months from the date of the qualifying injury, or if the injury necessitated immediate treatment in hospital, a period of three months from the date of discharge from hospital ;

(c) where the claim is for a family pension or child's allowance, a period of three months from the date of the death of the person whose death gave rise to the claim.

(2) The Claims Officer may refuse to entertain any application for any allowance or pension under this Scheme in respect of a qualifying injury sustained by a person who has, without sufficient cause, failed to present himself for treatment at a hospital, a dispensary or first aid post.

32. (1) The amount awarded to a person as temporary allowance when incapacitated or as disability pension when disabled shall be subject to the following modifications,

Limitations on amount of awards.

namely :—

(a) where such person is a woman, the amount shall be reduced by 20 per cent.

(b) while such person is under the age of 18, the amount which would otherwise be payable shall be reduced by 25 per cent.

(c) while such person is under treatment in a hospital, the amount which would otherwise be payable shall be reduced by 20 per cent.

(2) the amount awarded as family pension or children's pensions or both in respect of a person dying as the result of a qualifying injury shall not exceed the amount which might have been awarded to that person had he qualified for a disability pension assessed on a disablement of 100 per cent.

33. Where the person entitled to a temporary allowance disability pension, family pension or child's allowance in respect of a qualifying injury is in receipt of a pension or allowance from public funds paid to him by reason of his having sustained that qualifying injury or as the case may be by reason of the death of another person as the result of that qualifying injury, he shall be allowed to draw only the amount if any, by which the pension or allowance to which he is entitled under this Scheme exceeds the pension or allowance referred to, received by him from public funds.

Payment under this Scheme not to be drawn in addition to other payment from public funds.

34. No person in receipt of an allowance or pension under this Scheme shall be allowed to draw another allowance or pension of a different kind under this Scheme until the allowance or pension, previously drawn is surrendered.

The payments under this scheme not to be drawn by same person:

35. (1) No award under this Scheme shall be made in respect of—
Awards when not be made:

(A) an injury sustained whether in or outside the State by a person resident outside the State or

(B) an injury sustained by a person ordinarily resident in the State while absent from the State for personal, domestic or pleasure purposes ;

Provided that nothing in this sub-clause shall preclude the making of an award in respect of —

(a) a war injury sustained by a civil defence volunteer or

(b) a war injury sustained by a person ordinarily resident in the State while travelling by air between any one place in the State and any other place in the State, or

(c) a war injury sustained in the State by a person ordinarily resident outside the State.

(2) The Claims Officer may withhold or cancel the award of any payment under this Scheme, if he is satisfied that the person to whom the award might be or has been made is or has become ordinarily resident outside the State.

36. Where the qualifying injury, or where the incapacity for work, disablement or death resulting from a qualifying injury is shown to the satisfaction of the Claims Officer to be mainly attributable to the negligence or misconduct of the person sustaining the injury, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury or may reduce amount of the award.

Effect of contributory negligence.

37. When the person sustaining a qualifying injury is a member of a civil defence organisation and it is shown to the satisfaction of the Claims Officer that such person when required by Government order to be present in a certain locality or at a certain post failed to be present or being present failed to remain in that locality or that post as the case may be, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury.

Effect of desertion of post by member of Civil Defence organisation.

38. Where a person who has sustained qualifying injury refuses to undergo medical treatment or an operation calculated to restore his health or to cure or reduce disablement caused by the qualifying injury and a competent medical authority certifies that such refusal is in the circumstances unreasonable, then —

(a) if the person dies, and a competent medical authority certifies that the death was due to the refusal to undergo medical treatment or an operation, no family pension or child's allowance shall be awarded ;

(b) If a competent medical authority certifies that medical treatment or an operation will cure the disablement caused by the qualifying injury, no disability pension shall be awarded and

(c) if a competent medical authority certifies that medical treatment or an operation will reduce the disablement to a lower percentage, a disability pension appropriate to that lower percentage only shall be awarded.

39. (1) Any person in receipt of a temporary allowance or disability pension shall, if required by the Claims Officer by notice in writing so to do, submit himself for medical examination by the competent medical authority ;

Provided that a person shall not be required so to present himself ;—

(a) if in receipt of a temporary allowance, at intervals of less than two months, or

(b) if in receipt of a disability pension which has not been awarded for life, at intervals of less than six months, or

(c) if in receipt of a disability pension which has been awarded for life, at intervals of less than two years.

(2) Where any person refuses or, without reasonable cause, fails to submit himself for medical examination when required so to do under sub-clause (1), the Claims Officer may cancel with effect from the date of such refusal or failure the award of allowance or pension made to that person.

(3) Where the award has been cancelled under the sub-clause (2), the Claims officer may refuse to entertain any subsequent application for an allowance or pension under the Scheme in respect of the injury for which the cancelled award was made.

40. If the person to whom a pension or allowance under this Scheme has been awarded has not attained the age of eighteen years, or if he is, in the opinion of the Claims Officer,

Where payee is incapable of managing his own affairs.

mentally firm so as to be incapable of managing his own affairs, or if in any other case the Claims Officer considers in the interest of that person, the Claims Officer may either of his own motion or on application made to him, pay the pension or allowance to any other person whom the Claims Officer thinks best fitted to provide for the welfare of the person to whom the award has been made, or may apply the amount in any other manner for his benefit.

41. Where a person to whom a pension or allowance under this Scheme might be or has been awarded is convicted by a Court of an offence and sentenced to a term of imprisonment or detention in a Borstal school, the Claims Officer may withhold or cancel the award.

42. The Claims Officer may at any time review any award made under this Scheme and if it appears to him that by reason of a mistake of fact or a change in the condition or circumstances of the person to whom the award was made or for any other reason whatsoever it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded or cancel the award or make a fresh award.

Provided that no pension or allowance shall be increased beyond the limits specified in or for the purposes of this Scheme.

43. All matters falling to be decided under this Scheme in connection with the award of payments under the Scheme shall, where other specific provision is not made in this Scheme, be decided by the Claims Officer ; but in all matters relating to the extent or effect of injuries, the existence or non-existence of incapacity for work, and degrees of disablement, the Claims Officer shall decide in accordance with the opinion of or a certificate given by, a competent medical authority.

43. (1) An authority appointed in this behalf by the Government may, if it thinks fit and subject to sub-clause (2) review any award made or order passed under this Scheme by a Claims Officer.

(2) The provisions of clauses 42 and 43 shall apply *mutatis mutandis* to reviews under sub-clause (1),

44. The Government may at any time by notification in the Government Gazette alter the rate of payments which may be awarded under this Scheme.

45. Exceptional cases of hardship not covered by the provisions of this Scheme may be submitted by the Claims Officer to the Government which may make such orders as it thinks fit.

46. The Government or any officer authorised by the Government may, in accordance with any regulations made in this behalf, make payments for medical and surgical treatment provided for persons who have sustained qualifying injuries.

47. The Government may make regulations for giving effect to the purposes of this Scheme.

Power of Government
to make regulations.

SCHEDULE I.

1. The following organizations when established by the Government .—

- (a) Auxiliary Fire Service.
- (b) Control and Report Service.
- (c) Air-raid Warden Service.
- (d) Fire Prevention Service.
- (e) First aid, Casualty and Ambulance Service.
- (f) Rescue Service
- (g) Gas identification Service.
- (h) Decontamination Service.
- (i) Messenger Service.
- (j) Instructor Service.
- (k) Mortuary Service.
- (l) Such other Air Raid Precautions and civil defence organisations as may be notified by the Government.

2. The following organisations when recognised for the purposes of this Scheme by the Government.

Private organisations to carry out any of the following services :—

- (I) Decontamination Service.
 - (II) Messenger Service.
 - (III) Fire Service.
 - (IV) Raid Spotter Service.
 - (V) Keymen Service.
 - (VI) Public Utility Emergency Repair Service.
 - (VII) Auxiliary Nursing Service (A. R. P.) Branch.
 - (VIII) Control and Report Service.
 - (IX) Air Raid Warden Service.
 - (X) Fire Prevention and Watchers Service.
 - (XI) First Aid, Casualty and Ambulance Services.
(including drivers).
 - (XII) Rescue Service
 - (XIII) Instructor Service.
 - XIV. Any other service designated in this behalf by order of the Government.
3. The Civil Pioneer Force.
3. Maharaja Guards.
-

SCHEDULE II.

(I) For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows :—

Serial No.	Specified injury.	per cent.
1	Loss of two or more limbs Loss of an arm and an eye Loss of a leg and an eye Loss of both hands or of all fingers and thumbs Loss of both feet... .. Loss of a hand and a foot Total loss of sight... .. Total paralysis Lunacy Wounds, injuries or disease resulting in disabled man being permanently bed-ridden. Wounds of, or injuries to internal thoracic or abdominal organs, involving total permanent disabling effects. Wounds of, or injuries to, head or brain involving total permanent disabling effects or Jacksonian apilepsy. Very severe facial disfigurement Advanced cases of incurable disease	100
2	Amputation of right arm through shoulder... Amputation of leg at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter ; of right arm below shoulder with stump not exceeding 6 inches measured from tip of acromion ; or of left arm through shoulder.	90
3	Lisfranc operation, both feet .. Amputation of leg below hip with stump exceeding 5 inches in length measured from tip of great trochanter but not below	80

Serial No.	Specified injury	Per cent.
	middle thigh ; or left arm below shoulder with stump not exceeding 6 inches measured from top of acromion; or of right arm below shoulder with stump exceeding 6 inches measured from tip of acromion, through elbow, or below elbow, with stump not exceeding 5 inches measured from tip of olecranon.	
4	Severe facial disfigurement	50
	Total loss of speech	
	Amputation of leg below middle thigh, through knee or below knee with stump not exceeding 4 inches, or left arm below shoulder with stump exceeding 6 inches measured from tip of acromion through elbow or below elbow, with stump not exceeding 5 inches measured from tip of olecranon ; or of right arm below elbow with stump exceeding 5 inches measured from tip of olecranon.	
5	Total deafness	
	Amputation of leg below knee with stump exceeding 4 inches.	
6	Amputation of left arm below elbow with stump exceeding 5 inches measured from tip of olecranon	50
	Loss of thumb or fore fingers of right hand	
	Loss of vision of one eye	
7	Li-franc operation on one foot	40
	Loss of all toes both feet above knuckle.	
	Loss of thumb or four fingers of left hand or three fingers of right hand.	
8	Loss of all toes of one foot above knuckle.	30
	Loss of all toes of both feet at or below knuckle.	
9.	Limited restriction of movement of joints through injury without penetration,	

Serial No.

Specsified injury.

Per cent.

	limited function of limb through fracture	20
9	Loss of two fingers of either hand	20
	Compound fracture of two or more fingers or of thumb of either hand with impaired function.	

II When the wound or injury or illness causing the disability is not entered in the above schedule, the disability shall be assessed by the medical board at the percentage shown in the above schedule mostly closely corresponding to it.

Regulation No.

In exercise of the powers conferred by clause 47 of the War Injuries Scheme, 1999, the Government are pleased to make the following Regulations, namely :—

1. These Regulations may be called the War Injuries Regulations, 1999.

Title.

2. In these Regulations "Scheme" means the War Injuries Scheme, 1999 ; "Form" means Form appended to these Regulations and other expressions have the same meaning as in the Ordinance or the Scheme.

3. (a) Every leader of a first-aid party shall attach to every casualty a tie-on label in Form A-1.

Casualty report.

(b) Every officer in-charge of a first-aid post shall maintain a record of cases coming to his post in Form A-2.

(c) Every person in-charge of a hospital or a dispensary shall maintain a record of war injuries or war service injuries treated and documents in the Forms B1, B2, B3 and B4. He shall also maintain a list of patients under treatment in Form B5.

(d) Every officer in charge of first-aid post or person in-charge of a hospital or a dispensary shall, as soon as possible after the admission of a person sustaining a war injury or a war service injury, send a signed report in the appropriate form to the Claims Officer.

(e) It shall be the duty of the police to ascertain the name and other particulars of all persons who are killed or who die before admission to hospital and report the circumstances to the Claims Officer, and every Police officer shall make such further reports as the Claims Officer may from time to time call upon him to do.

4. (a) The Government may constitute medical authorities, for such areas and for such purposes of the Scheme and these Regulations as the Government may deem necessary, and consisting of such number of persons as they may think fit. Members of such Medical Authorities shall be registered Medical Practitioners or Medical Officers of Government, and if there is more than one member in any authority, one of them shall be appointed by the Government to be the President.

(b) The Claims Officer may refer any medical question to the Medical Authority for its opinion.

(c) For the purposes of certification of incapacity for work the Claims Officer shall ordinarily obtain a certificate from a Medical Officer not lower in rank than an Assistant Surgeon or such other Medical Practitioner as may be specified by Government.

(d) The Claims Officer shall ordinarily refer all cases relating to the grant of pensions to the Medical authority.

5. An application for temporary allowance shall be made in Form C to the Claims Officer by the persons who has sustained the qualifying injury, through the person in charge of the hospital or dispensary where he received or is receiving treatment, or if he did not receive treatment in any hospital or dispensary, through the officer in charge of the First Aid Post at which he received attention or the officer in-charge of the Police Station or Fire Aid Post to which the facts of his injury were reported.

6. (a) An application for a disability pension shall be made in Form D to the Claims Officer by the person who has sustained the qualifying injury, through the person in-charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or the registered Medical Practitioner who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.

(b) No application for a disability pension shall be entertained unless it is supported by a certificate of disability in Form E granted by a Medical authority; application there-

for shall be made to the Medical authority for the area in which the injured person resides by the injured person, or if he is incapable of making it himself, on his behalf by another person.

7. An application for a family pension or for a family pension and children's allowance shall be made in Form F to the Claims Officer by the person to whom payment thereof, if sanctioned, would be made under the provisions of the Scheme.

8. Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer may entertain any application made on such person's behalf by any other person.

9. The Claims Officer, on receiving an application for an allowance or pension under the Scheme and after considering the reports and certificates pertaining to the case and after obtaining such other evidence, if any as he considers necessary, shall make his award in Form G. He shall briefly record separately the reasons for his award. A signed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent; a true copy shall be sent to the Audit Officer specified for this purpose by the Government, together with attested specimens of the thumb and finger impressions of the payee and his signature, if literate; and another true copy shall be sent to the treasury where the payment is to be made.

10. The Claims Officer or the authority appointed under clause 43-A of the Scheme shall have the power to examine witnesses and call for such evidence as he considers necessary in the same manner as a civil Court under the provisions of the Code of Civil Procedure 1977 (Act X of 1977) and shall have, in particular, the powers conferred by section 32 of that Code.

11. (a) All allowances and pension under the Scheme shall be payable at the tehsil treasury within whose jurisdiction the payee ordinarily resides.

(b) All allowances and pensions shall be drawn within one month of the date when they are due. The Wazir-i-Wazarat concerned may, however, at his discretion make payment of full arrears within three months of the due date in the case of temporary allowances, and when the Claims Officer has condoned a delay under Section 10 of the Scheme, within three months of the date of the order condoning the

delay. In the case of other awards, similarly he may make payment of full arrears within one year of the due date or of the date of the order condoning any delay, as the case may be.

(c) All such payments from time to time be endorsed on the award by the Wazir-i-Wazarat.

12. On an application made to him by or on behalf of the holder of an award of any pension or allowance, the Claims Officer may, for sufficient reason, transfer the place of payment and shall endorse the award accordingly. He shall also inform the tehsil treasury concerned of the transfer so effected.

13. (a) With every award when presented for payment there shall be produced a certificate of life pertaining to the beneficiary or beneficiaries under the award, signed by a Gazetted Officer (in service or retired) of Government, a Magistrate or a Police Officer not below the rank of a Sub-Inspector, or any other person authorised by general or special order by the Government. Where the claimant is undergoing treatment as an in-patient at a hospital or dispensary, the certificate shall be signed by the person in-charge thereof.

Provided that where a beneficiary is present at the time of payment of an allowance or pension under the Scheme, no life certificate in respect of him shall be required but his identity shall be proved to the satisfaction of the Wazir-i-Wazarat.

(b) On every occasion when the award of a family pension or of a family pension and children's allowance is presented for payment, the person to whom the same is payable shall give a certificate in Form H.

14. (a) If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modification thereof to require under any of the said provisions the cancellation or modification of the award, a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon.

(b) On receipt of any such report, the Claims Officer shall after making such inquiries, if any, as he may deem necessary, cancel or modify the award in accordance with the provisions of the Scheme, and shall inform the treasury of payment accordingly.

REVERSE.

(White lables).

White: Walking Case.

This card should be given to patients with minor injuries, sent home after treatment, with instructions, where necessary to present it at the nearest hospital for further treatment (on same or the next day).

The Casualty Book number should be entered on the card.

FORM A-I.

CASUALTY LABEL OBVERSE.

Date.

Name.

Casualty Book No.

Father's or Husband's name.

Injury.

T M H G X.

Treatment.

Morphia, Dose and Time

Instructions.

{ T = Tourniquet
M = Morphia.
H = Haemorrhage.
G = Gas and contamination.
X = Immediate attention.

Officer in charge.

REVERSE.

(Red and Green labels).

Red: Direct to Hospital.

Green: To First Aid Post.

*Cross out where applicable.

If C. D. V.

on duty/off duty.

(State source of information).

FORM A-2.

This copy to be preserved at F. A. P.
Casualty Book.

No.

F. A. Post.

Town and District.

Date and time of arrival.

Name.

Age.

Sex.

Father's or Husband's name.

Caste.

Community.

If C. D. V. on duty/off duty.

Occupation.

Address.

By whom brought.

Nature and cause of injury.
(Note if gassed).

Treatment.

This copy to be sent to the local A. R. P.
Head-quarters which will forward it to
the War Injuries Claims Officer
Casualty Book.

No.

F. A. Post.

Town and District.

Date and time of arrival.

Name.

Age.

Sex.

Father's or Husband's name.

Caste.

Community.

If C. D. V. on duty/off duty.

Occupation.

Address.

By whom brought.

Nature and cause of injury.
(Note if gassed).

A. T. Serum.

Morphia, dose and time.

Disposal.

Medical Officer in charge.

When an injured person is sent home after treatment this form should be completed before he leaves the F. A. post and he should be given a casualty label on which should be entered the casualty book number.

Disposal.

Medical Officer in charge.

This copy should be completed and forwarded to the local A. R. P. Headquarters as soon as possible.

This copy to be retained in Hospital.

War Casualty.

In-patient Book.

No.

Hospital.

Town and District.

Date of admission.

Name.

Age.

Sex.

Father's or Husband's name.

Name.

Age.

Sex.

Community.

Father's or Husband's name.

Community.

Caste.

Address.

Occupation.

(Note if C. D. V.)

Occupation (Note if C. D. V.)

Where first treated (with date).

Where first treated (with date).

P. A Post at.....

F. A, Post at.....

By whom brought.

By whom brought.

Date of injury.

Date of injury.

Name and probable cause of injury.

Name and probable cause of injury.

(Note if gassed).

Name and address of next of kin.

Name and address of next of kin.

Date of discharge.

Date of discharge

Transfer to out-patients Department.

Transfer to out-patients Department

Medical Officer.

Medical Officer.

This copy to be sent to the War Injuries Claims Officer through local A. R. P. Headquarters.

War Casualty

In patient Book.

No.

Hospital

Town and District.

Date of admission.

Name.

Age.

Sex.

Father's or Husband's name.

Community.

Caste.

Address.

Occupation.

Occupation (Note if C. D. V.)

Where first treated (with date).

Where first treated (with date).

P. A Post at.....

F. A, Post at.....

By whom brought.

By whom brought.

Date of injury.

Date of injury.

Name and probable cause of injury.

Name and probable cause of injury.

(Note if gassed).

Name and address of next of kin.

Name and address of next of kin.

Date of discharge.

Date of discharge

Transfer to out-patients Department.

Transfer to out-patients Department

Medical Officer.

Medical Officer.

FORM B-2.

FORM B-2.

This copy to be retained in Hospital.

War Casualty.

Out patient Book.

Hospital/Dispensary No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.).

Where first treated (with date)

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D

Whether incapacitated for work.

Medical Officer

Date.

This copy to be sent to the Claims officer through local A. R. P. Headquarters.

War Casualty.

out-patient Book.

Hospital/Dispensary. No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.)

Where first treated (with date)

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D.

Whether incapacitated for work.

Medical Officer.

Date.

This copy to be given to the patient.

War Casualty.

Out-patient Book.

Hospital/Dispensary, No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.).

Where first treated (with date).

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D.

Whether incapacitated for work.

Medical Officer.

Date.

Keep this carefully and take it with you when you go to the Hospital.

Date for further treatment and discharge.

Date. Whether incapacitated for work. Signature of M. O.

To be kept in the Hospital and filled up on each occasion when the patient is treated.

When discharged with "Discharged" and the date.

Particulars of any refusal to undergo treatment should be noted.

Dates for further treatment and discharge.

Date. Whether incapacitated for work. Signature of M. O.

FORM B-3.

WAR CASUALTY.

Discharge certificate.

Name (Capitals).

Age.

Father's or Husband's name.

Address.

Was under In/Out patient treatment from to

at Hospital/Dispensary.

Town..... District.....

Casualty Book No.....Out patient Record No.....

In-patient Record No.....

Suffering from.....

.....

the result of war injury on

at

and was discharged on

MEDICAL OFFICER,

Date.....

.....Hospital.

(1) For the patient, (2) For the War injuries Claims Officer. (3) For the Hospital Record, or to be placed in large envelope. (Signature or Thumb impression of the patient on this to act as receipt).

1. Whether patient refused to undergo any medical treatment ... Yes/No.
2. Whether still incapacitated for work ... Yes/No.
3. Particulars of disability due to war injury still continuing, if any.....
.....
4. Whether disability is capable of improvement ... Yes/No/Doubtful.

MEDICAL OFFICER.

FORM B-4.

WAR CASUALTY.

Cover for Medical History Documents.

Full name (in capitals). Father's or Husband's name.

Community.

Caste.

Age

Occupation.

(Note if C. D. V.)

Address.

Date and place of injury.

Name and address of next of kin.

In-patient Record No.

Name of Hospital, Town and District.	Date of Admission.	Discharge or Transfer.	Admission Record No.
<hr/>			

This envelope will be prepared by the hospital to which a patient is first admitted and all medical documents relating to the case will be placed in this envelope, which with its contents should be transferred with the patient on transfer to another hospital, and on final discharge or death should be transmitted under cover to

FORM B-5.

STATEMENT OF IN/OUT PATIENTS WITH WAR INJURIES UNDER TREATMENT
ON THE 1ST/15TH OF..... 20 .

Serial No.	Name.	Father's or husband's name.	Age/Sex.	Community.	Caste.	Whether out-patient (O. P.) or in-patient (I. P.)	No. in O. P. Book and date of last treatment.	Whether incapacitated for work on date of last treatment.	REMARKS.
			M F.						

NOTES.—(1) If an out-patient fails to attend for a period of 14 days the fact should be noted in the “remarks” column.
(2) If a patient fails to attend for one month the fact should be noted, and his name should not be included in later lists.

MEDICAL OFFICER,
..... Dispensary/Hospital.

FORM C.

APPLICATION FOR TEMPORARY ALLOWANCE.

Claimant's full name (in capital).

Name of father (in the case of
married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

What rate of allowance is claimed
and justification for the claim.

Income before injury and source of
the income.

Income after injury and source of
the income.

Place where injury sustained.

Date of injury.

Cause of injury in detail.

Details of injury.

Whether attended to by A. R. P.
volunteer, Maharaja's Guard,
police or other organisation, if
so details.

If taken to dispensary or hospital
which and when?

If discharged from dispensary or
hospital, when?

Did the injured person refuse
medical treatment at a hospital
or dispensary, and if so, why?

If attended to at residence by a medical practitioner details of place where treated and name of the medical practitioner.

Period of incapacity of work.

If temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1999 (other than that referred to above). I desire to draw the allowance, if sanctioned, at

Post Office.

(Signature of claimant).

Applicant's name.....

Father's name or Husband's name

Community or cast.....

In-patient Book No.....

Out-patient Book No

Date of admission as in-patient.....

Date of first treatment as out-patient.....

If discharged, date of discharge.....

Period during which, according to the hospital records, the
applicant was incapacitated for work (dates).....
From to

Whether at present incapacitated for work and, if so, probable
period during which incapacity will continue.....
.....

Did patient refuse any medical treatment? If so, give parti-
culars

MEDICAL OFFICER,

Date..... *Hospital / Dispensary.*

FORM D.

APPLICATION FOR DISABILITY PENSION.

Claimant's full name (in capitals).

Name of father (in the case of married woman, of husband).

Age.

Date of birth.

Caste

Profession.

Residence.

Nationality.

What rate of pension is claimed and justification for the claim.

Income before injury and source of the income.

Income after injury and source of the income.

Place where injury sustained ... Date of injury.

Cause of injury in detail ...

Details of injury ...

Whether attended to by A R. P. volunteer, Maharaja's Guard, Police or other organisation, if so details ?

If taken to dispensary or hospital, which and when ?

If discharged from dispensary or hospital when ?

Did the injured person refuse medical treatment at a hospital, or dispensary and if so, why ?

If attended to at the residence by a medical practitioner details of place where treated and name of medical practitioner.

If any temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I desire to draw the pension, ☐ if sanctioned at.....

Post Office.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1999 (other than that referred to above).

(SIGNATURE OF CLAIMANT).

FORM E.

CERTIFICATE OF DISABILITY.

Medical Authority.

Name of injured person (in capitals).

Name of Father (in case of married woman, of her husband).

Age.

Caste.

Residence.

Profession.

Nationality.

Date of examination by the authority.

Particulars of disability and probable cause.

Degree of disability in terms of clause 11 of the War injuries Scheme 1999.

Is the disability capable of improvement ?

If not, estimate probable further duration of disability and state if the person should be put up for the examination again, and when.

SIGNATION OF MEMBERS OF THE AUTHORITY.

FORM F.

APPLICATION FOR FAMILY PENSION AND CHILDREN'S ALLOWANCE.

Applicant's full name (in capitals).

Name of father (in case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

Relationship with deceased.

Income of applicant before death of deceased and source of such income.

Income of applicant after death of deceased and source of such income.

Full name of deceased (in capital).

Place of death.

Cause of death.

Was deceased attended to by A. R. P. volunteer, Maharaja's Guard, police or other organisation if so, details.

If deceased received any medical treatment, details thereof including place where received.

If deceased died in any hospital or dispensary, state details.

If not give any other proof of death,

e. g. affidavits, or/any certificates by a gazetted officer, Magistrate, or sub-inspector of police.

Did deceased draw any allowance under the War Injuries Scheme, 1999, prior to death, if so details as to award, rate and amount drawn prior to death.

Is any special pension or allowance awarded from public funds in respect of the death of the deceased.

If deceased has any of the following relatives living at the time of his death, give details * in respect of each :—

Widow, or widows, father, mother, actual and legitimate son (s), actual and legitimate daughter (s), State also if any has since died, or whether any female relative has since married or unmarried.

Date of birth	... Age	...	} In the case of all eligible re- latives.
Residence	... If staying else- where than.		

With applicant state details ...

In the case of daughter.....
whether married.

*If necessary, this may be done on a sheet to be attached and Signed.

In the case of children.....
Guardian, if any other than ap-
plicant.

If any of the said relatives or the applicant.

(1) draws any other pension from public funds, state details as to source and amount.

(2) holds any appointment under Government or local authority, state details and rate of emoluments.

Amount and particulars of the
claims made :—

I desire to draw the pension (and
allowance), if sanctioned, at.....
.....Treasury.

I certify that the information furnished in the statement
is to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or
allowance under the War Injuries Scheme, 1999.

(SIGNATURE OF CLAIMANT).

FORM G.

AWARD UNDER THE WAR INJURIES SCHEME, 1999.

Claimed Officer for, (area).

Name.

Name of person receiving war injury killed.

Age.

Residence.

Caste.

Profession.

Nationality.

Pension or allowance in favour of (block capitals).

Name of father of such person (in the case of married woman, of husband).

Description of such person.

Age.

Residence.

Caste.

Profession.

Nature of award (state whether temporary allowance, disability pension, or family pension and children's allowance).

Amount of pension or allowance Rs. per

In the case of children's allowance, particulars of amount and children in respect of whom made stating their dates of birth.

Guardian, if any.

Period for which pension is sanctioned, with the date of commencement.

Payable at..... Treasury.
on the of each.....

Date and signature of
Claims Officer.

Forwarded to the payee through
the Tehsildar of
Wazir Wazarat.

..... District.

Period.	Amount.	Signature or thumb impression of payee.	Signature of Treasury Officer or other autho- rised officer.	Date stamp of office.
---------	---------	--	--	--------------------------

1	2	3	4	5
---	---	---	---	---

FORM II.

CERTIFICATE OF CONTINUING ELIGIBILITY.

I(name, father's or husband's name and address).....being the person to whom the family pension (and children's allowance) (s) sanctioned under Award No.....is/are payable, hereby certify.

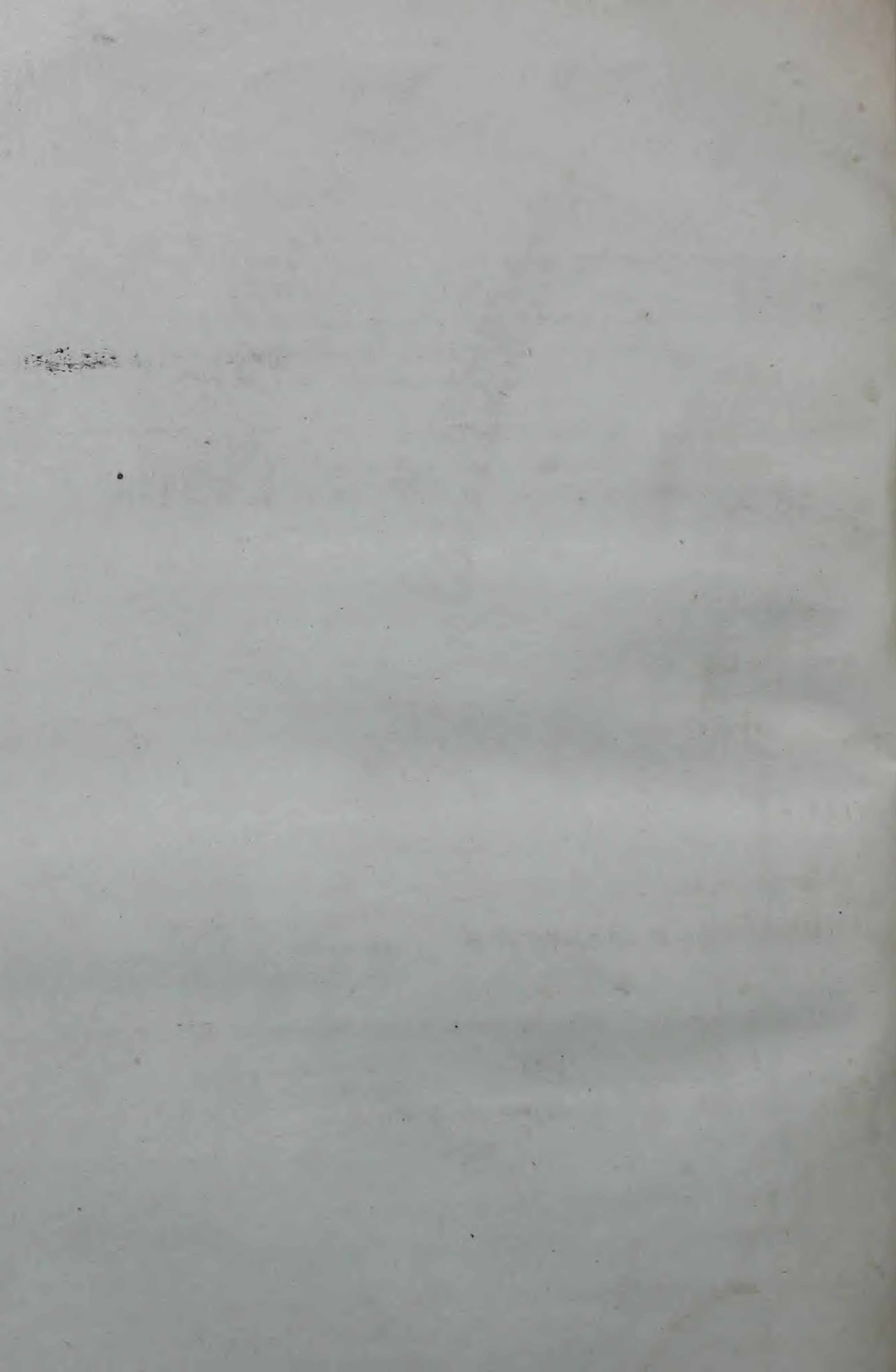
(I) that I remain eligible under the provisions of the War Injuries Scheme, 1999, to receive the same, and

(II) that no circumstances have arisen since the making (of the last modification) of the said award which under any of the said provisions would operate to require the cancellation or (further) modification of the said Award.

Date.....

.....
(Signature or thumb impression)

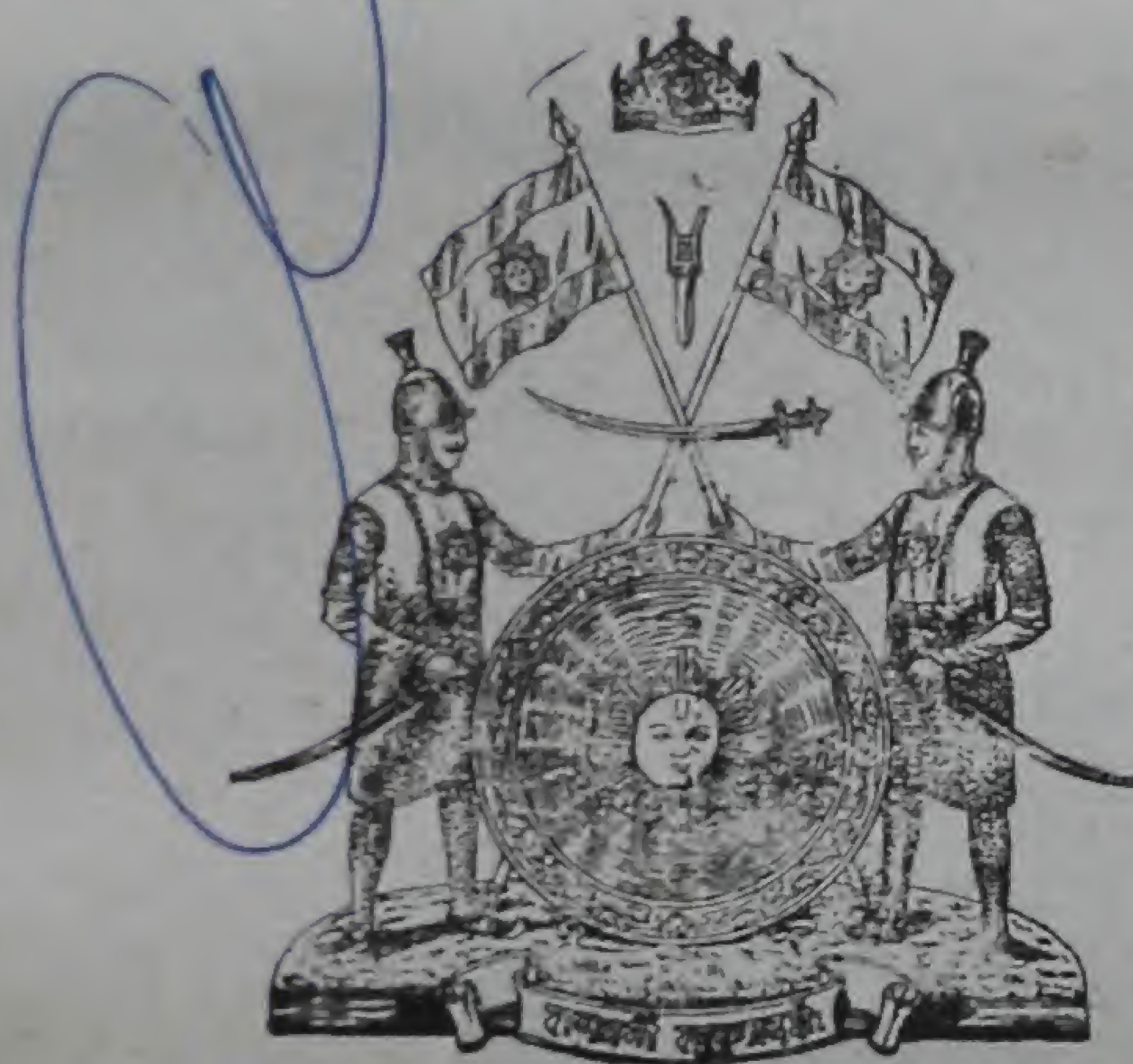
(To be countersigned, in cases where the payee is not present in person at the Treasury of payment, by a Gazetted Officer of Government, a Magistrate or a Police Officer not below the rank of Sub-Inspector or any other person authorised by general or special order by the Government).



UNIVERSITY
Acc No. 78372
Dated

ORDINANCE NO. X OF 1999.

An Ordinance to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.



JAMMU:

Printed at The Ranbir Government Press—29-4-2000—401.

1943.

KASHMIR UNIVERSITY
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Acc. No.

Dated.

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HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR
SPECIAL SECRETARIAT (WAR WORK BRANCH).

Ordinance No. X of 1999.

AN ORDINANCE TO MAKE PROVISION FOR THE GRANT OF RELIEF IN RESPECT OF CERTAIN PERSONAL INJURIES SUSTAINED DURING THE CONTINUANCE OF THE PRESENT HOSTILITIES.

WHEREAS an emergency has arisen which renders it necessary to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities ;

Now therefore in pursuance of the powers vested in us under section 5 of the Jammu and Kashmir Constitution Act, 1996 We are hereby pleased to promulgate the following Ordinance :—

1. (1) This Ordinance may be called the War Injuries
Short title extent and
commencement. Ordinance, 1999.

(2) It extends to the whole of the Jammu and Kashmir State.

(3) It shall come into force at once.

(4) It shall cease to be law from such date as His Highness may by order declare to be the end of the emergency which was the occasion of its promulgation.

INTERPRETATION.

2. In this Ordinance, unless there is any thing repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Ordinance and the scheme ;

(2) "civil defence volunteer", in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained ;

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Ordinance and ending with such date as the Government may, by notification in the Government Gazette, declare to be the date on which the present hostilities terminated ;

(4) "gainfully occupied person" means a person who is engaged in any trade, business profession, office, employ-

ment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent ;

(5) "scheme" means a scheme made under this Ordinance ;

(6) "war injury" means a physical injury—

(a) caused by—

(i) the discharge of any missile (including liquids and gas) or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling an imagined attack by the enemy ; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Highness or any allied power, or any part of, or anything dropped from, any such aircraft ;

(7) "war service injury", in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity ;

Provided that before being so satisfied the Government or other authority authorised to make payments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Government to make such reports, about the injury in question.

3. (1) The Government may make a scheme or schemes in accordance with the provisions of this

Power to make schemes for relief in respect of war injuries and war service injuries.

Ordinance providing for the grant of relief in respect of the following injuries sustained during the continuance of the

present hostilities, namely :—

(a) war injuries sustained by gainfully occupied persons (with such exceptions, if any, as may be specified in

the scheme) and by persons of such other classes as may be so specified ; and

(b) war service injuries sustained by civil defence volunteers

2) A scheme may authorise the Government, or any authority authorised by the Government to make payments under the scheme, in such circumstances and subject to such conditions as may be specified in the scheme, to make to or in respect of persons injured:—

(a) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (b) ;

(b) payments otherwise than by way of temporary allowance which shall be payable only where the injury causes serious and prolonged disablement or death ; and

(c) payments for the purchase of or the grant at the cost of Government of artificial limbs or surgical or other appliances and payments for medical and surgical treatment.

(3) A scheme may empower the Government to make regulations for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Government.

(6) Any decision of the Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance of a payment under a scheme may be varied from time to time by a subsequent decision of the Government or such authority as the case may be but save in so far as it is so varied shall be final and conclusive.

4. (1) In respect of a war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as apart from the provisions of this sub-section would whether by virtue of any enactment or by virtue of any contract or at common law, be payable.—

Relief from liability to pay compensation or damages.

(i) in the case of a war injury, by any person, or

(ii) in the case of a war service injury, sustained by

a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer, on the ground that the injury, in question was attributable to some negligence, nuisance or breach of duty for which the person by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if.—

(a) an application for a payment under a scheme has been duly made to the Government or other authority empowered to make payments under the scheme in respect of the injury; and

(b) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme; and

(c) the Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such an injury; and

(d) the proceedings are commenced within one month from the date of the said certificate.

5. (1) Where it is necessary in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Government or other authority authorised to make payments under the scheme may by notice in writing require:—

(a) any person who was an employer of the injured person during that period, or

(b) any other person having any knowledge with respect to the financial circumstances of the injured person during that period;

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person.—

(a) fails to comply with the requirements of any such notice, or

(b) in purported compliance with any such notice knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive, he shall be punishable with fine which may extend to three hundred rupees

5-A (i) The person managing any dispensary or hospital shall if so required by the Government by general or special order :—
Medical attention in dispensaries and hospitals.

(a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply when so required with the provisions of this section he shall be punishable with fine which may extend to one thousand rupees.

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation, shall be punishable with imprisonment for a term which may extend to three months.
Penalty for false statement.

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.
Assignments or charges to be void.

(Sd.) HARI SINGH,

MAHARAJA,

Jammu and Kashmir.

Notification.

In exercise of the powers conferred by sub-section (1) of section 3 of the War Injuries Ordinance, 1999, the Government are pleased to make the following Scheme, namely :—

PART I.**INTRODUCTORY.**

1. (1) This Scheme may be called the War Injuries
Short title and com- Scheme, 1999.
mencement.

(2) It shall come into force at once

2. (1) The General Clauses Act, 1977 (XX of 1977),
Interpretation. applies to the interpretation of this Scheme
as it applies to the interpretation of an
Act.

(2) In this Scheme :—

(a) "Ordinance" means the War Injuries Ordinance, 1999.

(b) "civil defence organisation" means any such organisation as is mentioned in clause 3 of this scheme ;

(c) "claims officer" means any authority appointed by the Government to make payments under this scheme ;

(d) "competent medical authority" means any medical authority appointed for the purposes of this scheme by the Government ;

(e) "injury for which relief may be given on the higher scale" means an injury which is :—

(i) a war injury sustained by a civil defence volunteer which is shown to the satisfaction of the Claims Officer to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, or

(ii) a war injury sustained by a person engaged in any employment specified in this behalf by the Government, if on the day on which the injury was sustained he was on duty in connection with that employment or would have been on duty sent for that day being a recognised holiday or day of rest or for his being casually absent from duty on account of illness or other similar cause, or for

any other reason which in the opinion of the Claims Officer was good and sufficient.

(f) "public funds" means money provided by the Government or by a local authority

(g) "qualifying injury" means an injury in respect of which a payment under this scheme may be made.

3. It is hereby declared that the organisations of persons specified in the Schedule I to this Scheme are "civil defence organisations" for the purposes of the Ordinance and this scheme.

Civil defence organisations for purposes of Ordinance and Scheme.

4. Subject to the provisions of this Scheme a payment under Scheme may be made in respect of any injury sustained during continuance of the present hostilities which is :—

(a) a war service injury sustained by a civil defence volunteer, or

(b) a war injury sustained by a gainfully occupied person, or

(c) a war injury sustained by any such other person or persons of such other class as may be notified in this behalf by the Government, or

(d) a war injury causing death, sustained by a person substantially dependant for his livelihood on a pension, annuity or other income ceasing with his death.

PART II.

TEMPORARY ALLOWANCE.

5. Where a qualifying injury has incapacitated a person for work for a period of not less than seven consecutive days that person shall be entitled to be awarded in respect of that injury an allowance (in this Scheme referred to as a temporary allowance) in accordance with the following provisions of this Scheme.

6. A temporary allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.

Award of temporary allowance.

7. Temporary allowance shall be paid half-monthly in arrears on the 1st and 16th of each month.

Mode of payment.

If the incapacity for work ceases during a

half monthly period, no payment shall be made unless during that period the incapacity has existed for not less than seven days, in which case the payment shall be proportionately reduced.

8. Temporary allowances shall, subject to the provisions of clause 32 of this Scheme be payable at the following rates, namely.—

(a) where the injury is one for which relief may be given on the higher scale, at the half-monthly rate of nine rupees ;

(b) in the case of any other injury, at the half monthly rate of six rupees and twelve annas.

9. A temporary allowance shall cease to be payable to a person on the date on which a disability pension under Part III of this Scheme becomes payable to him.

10. Any payment by way of temporary allowance not drawn within three months from the date on which it might first have been drawn shall cease thereafter to be payable ;

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the payment, he may condone the delay.

11. When a person who, but for the provisions of clause 30 of this Scheme, would have been entitled to be awarded a temporary allowance, reaches the age of fifteen before the end of the sixth month from the date on which the qualifying injury was sustained, he shall, subject to all the provisions of this Chapter, then become entitled to be awarded a temporary allowance.

PART III.

DISABILITY PENSIONS TO PERSONS WHO HAVE SUSTAINED INJURIES CAUSING SERIOUS AND PROLONGED DISABLEMENT.

12. Where a qualifying injury sustained by a person causes him serious and prolonged disablement, he shall be entitled to be awarded in respect of that injury a pension (in this Scheme referred to as a disability pension), in accordance with the following provisions of this Scheme.

13. (1) For the purpose of assessing the rate of disability pension, disablements shall be expressed in percentages as set forth in the Schedule II

to this Scheme. Where there is more than one disablement the total disablement shall be expressed as the sum of the disablements, so however as not in any case to exceed 100 per cent.

(2) When the wound, injury or illness causing the disablement is one not provided for in the Schedule II to this Scheme, the disablement shall be estimated by a competent medical authority at the percentage shown in the said Schedule most closely corresponding to it.

14. (1) Where the disablement resulting from a qualifying injury is expressed or estimated as 20 per cent, or even, a disability pension shall, subject to the provisions of clause 32, be awarded at the following rates, namely :—

Where the percentage of disablement is.	If the injury is one for which relief may be given on the higher scale.	If the injury is not one for which relief may be given on the higher scale.
---	---	---

	Rs. per mensem.	Rs. per mensem.
100	18	13 8 0
90	16	12 0 0
80	14	10 8 0
70	13	9 12 0
60	11	8 4 0
50	9	6 12 0
20 to 40	8	6 0 0

(2) Where the disablement is not more than 50 per cent. the Claims Officer may, if he is satisfied that the injured person is not debarred from all means of livelihood, substitute for the disability pension a lump sum payment calculated at 70 times the monthly payment specified in the foregoing sub-clause.

15. (1) If before the end of the six month from the date on which the injury was received, the competent medical authority certifies that the disablement caused to a person by a qualifying injury is permanent and incapable of diminution, the Claims Officer may at once award to that person, in accordance with sub-clause (1) of clause 14, a disability pension payable for life, or in accordance with sub-clause (2) of clause 4, a lump sum payment.

(2) If at the end of the six months from the date on which the injury was received, or at any time within those six months when the injured person ceases to be entitled to a temporary allowance, it remains uncertain whether the disablement is permanent and incapable of diminution, the pension shall in the first instance be awarded for two years only and, on the expiry of those two years, shall be awarded for life in accordance with the assessment then made by the competent medical authority of the percentage of the disablement subsisting.

(3) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded and thereafter the disablement increases to a higher percentage than that on which the award was based, and such increase is certified by a competent medical authority to be attributable to the original qualifying injury, the Claims Officer may increase the disability pension to the appropriate higher rate with effect from the date on which the increased disablement is established by the certificate of the competent medical authority.

(4) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded, and thereafter the disablement decreases to a lower percentage than that on which the award was based, the Claims officer may decrease the disability pension to the appropriate lower rate with effect from the date on which the decreased disablement is established by the certificate of the competent medical authority.

16. Disability pensions shall be payable quarterly in arrears :
Mode of payment .

Provided that if the Claims Officer considers that this course may result in hardship in any particular case he may order that the pension shall be payable monthly in arrears.

17. (1) Where a person to whom a disability pension has been awarded, fails to draw that pension for a continuous period of not less than twelve months, the Claims Officer shall cancel the award, and no payment of the arrears of that pension shall be made.

(2) Where a person, to whom a lump sum payment has been awarded under sub-clause (2) of clause 14 fails to draw that sum within twelve months from the date of the award, the Claims Officer shall cancel the award and no further

claim to pension or to lump sum payment shall be entertained:

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure referred to in sub-clause (1) of this clause, he may condone the failure.

18. When a person who, but for the provisions of clause 30 of this Scheme, should have been entitled to be awarded a disability pension reaches the age of fifteen, he shall then become entitled to be awarded a disability pension, the amount of the award being based on his disablement as assessed at the time he reached the age of fifteen.

PART IV.

FAMILY PENSIONS AND CHILDREN'S ALLOWANCES.

19. (1) When a person dies as the result of a qualifying injury, there shall be payable, in accordance with the following provisions of the Scheme:—

Family pensions and children's allowances purpose and amount.

(a) to one surviving eligible member of his family a pension, in this Scheme referred to as a family pension, and

(b) to each of his legitimate children and allowance in this Scheme referred to as a child's allowance.

(2) A family pension, though payable to one surviving eligible member of a family only, is intended for the support of all surviving eligible members of the family.

(3) The amount of a family pension shall, subject to the provisions of clause 32 of this Scheme, be eight rupees monthly.

(4) The amount of the child's allowance shall subject to the provisions of clause 32 of this Scheme, be two rupees monthly for each child so long as a family pension continues to be paid to any surviving eligible member of the family and three rupees monthly for each child if no family pension is being paid.

(5) If the person to whom a family pension is payable is a minor, the pension shall be paid for the benefit of the eligible members of the family to the legal guardian of such a person.

(6) A child's allowance payable to a minor child shall, unless the Claims Officer otherwise directs, be paid for the

benefit of the child to the person to whom the family pension under the award is payable, or if such person is himself a minor or if no family pension is payable under the award, to the legal guardian of the child.

20. "Eligible member of a family" means, in relation to a person dying as the result of a qualifying injury,—
Members of a family who are eligible.

- (1) his widow lawfully married by a valid ceremony;
 - (3) his father;
 - (3) his mother;
 - (4) a legitimate son but not an adopted son;
 - (5) a legitimate daughter but not an adopted daughter
- provided in each case that none of the conditions necessary for eligibility under clause 21 is infringed.

21. The following are the conditions governing the eligibility of the five classes of persons mentioned in clause 20 :—
Conditions of eligibility.

(1) A widow shall not be eligible if she remarries, unless such marriage is with her deceased husband's brother and she continues to live a communal life with, or to contribute to the support of, other living eligible members.

(2) The father shall not be eligible if at the time of the qualifying injury he is below the age of 50, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50.

(3) The mother shall not be eligible if at the time of the qualifying injury the father of the deceased is still alive but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time of the qualifying injury she shall continue to be eligible only so long as she remains unmarried. If at the time of the qualifying injury she was already remarried to a husband other than the father of the deceased she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

(4) A son shall not be eligible if he is above the age of 15 unless he is physically or mentally unable to support himself.

(5) A daughter shall not be eligible, if she has a husband living or marries.

22. (1) where there are surviving eligible members of more than one of the classes specified in the list in clause 20, the family pension shall be payable to the member specified earliest in that
Family pension by whom to be received.

list, of two or more widows the longest married taking precedence and if two or more children the eldest taking precedence.

(2) Where there is no widow surviving and the family pension has not been made payable to the father of the deceased solely because the father has not yet reached the age of 50, it shall unless it has under the provisions of sub-clause (3) of this clause ceased to be payable, be made payable to him on his attaining the age of fifty, subject to the sub-clause next following.

(3) When the member to whom the family pension is payable under the foregoing provisions of this clause dies or ceases to be eligible, then, whether there are other eligible members surviving or not, the family pension shall cease altogether to be payable except as provided in clause 25.

(4) No claim to receive a family pension shall be entertained if made by a member who has, by the time the claim is preferred, already ceased to be eligible.

23, A family pension when awarded shall become payable as from the day following that on which the qualifying injury causing the death was sustained :

Date from which
family pension takes
effect.

Provided that where the family member, to whom the pension would have been payable on that day, has, before the Claim Officer has made the award, died or ceased to be eligible and the pension has consequently become payable to another member, the pension shall be payable to the last mentioned member as from the day following that on which the first mentioned member died or ceased to be eligible, and the arrears from the day following that on which the qualifying injury occurred up to the day on which the first mentioned member died or ceased to be eligible shall, subject to the provisions governing the payment of belated claim, be paid to the first mentioned member of his estate ;

Provided further that if, before the Claims Officer has made the award all the members who were eligible on the day following that on which the qualifying injury occurred have died or ceased to be eligible, the Claims Officer shall have full power to dispose of any arrears as he may think fit.

24. (1) If the Claims Officer is satisfied, on application made to him, that the member to whom a family pension is payable refused to contribute reasonably to the support of the other eligible members of the family or that a family pension payable to a child is not being utilised for the benefit of the other eligible

Division of family
pensions.

member of the family, he may divide the pension at his discretion among all the eligible members and make it payable as so divided to each member individually.

(2) Any such division shall not affect the provisions contained in sub-clause (3) of clause 22 but, so long as the member to whom the pension is originally awarded continues to be alive and eligible, if any member receiving one of the divided portions of the pension dies or ceases to be eligible, his share shall be added to the amount distributable to the member or members still surviving and eligible.

(3) A division under this clause shall not ordinarily be made at the instance of children in receipt of children's allowances, but the Claims Officer may even in such a case at his discretion make a division of the family pension to avert special hardship.

25. (1) A family pension which ceases to be payable under sub-clause (3) of clause 22 may, either in whole or in part, be continued by the Claims Officer or be made again payable if he is satisfied that by the cessation of the pension the father or mother of the deceased or both who would but for the operation of that sub-clause have been at the time eligible members of the family, are left destitute.

(2) If the Claims Officer decided to continue or restore a family pension under the foregoing provisions of this clause, the pension shall be payable from such date as the Claims Officer may fix, not being earlier than the date on which the application for continuance or restoration is first received by the Claims Officer to the father if living and would have been eligible at the time but for the operation of sub-clause (3) of clause 22 or, if the father is not living, to the mother if she would have been eligible at the time but for the operation of these sub-clauses; but the amount of the pension shall be reduced by the amount of any income from permanent sources available to the father or mother or both.

(3) A family pension so continued or restored shall cease altogether to be payable when the person to whom it is continued or restored dies or ceases to be eligible.

Duration of payment of children's allowances 26. A child's allowance shall cease to be payable.

(a) to a male on his attaining the age of 15, and

(b) to a female on her attaining the age of 16 or on her marriage whichever of these dates is the later;

Provided that the Claims Officer may, if satisfied that the person to whom the allowance is payable is physically or

mentally unable to support himself, continue the allowance so however that it shall cease to be payable to a female on her marriage.

27. Family pensions and children's allowance shall be paid quarterly in arrears.

Mode of payment of family pensions and children's allowance.

Provided that, if the Claims Officer considers that this course might result in hardship in any particular case, he may order that the pension or allowance shall be payable monthly in arrears.

28. No award of family pension or child's allowance shall be made in any case where the death giving rise to the claim occurs more than seven years after the date on which the qualifying injury causing the death was sustained.

No award when death occurs more than seven years after injury.

29. Where a family pension or a child's allowance which has been awarded has not been drawn for a continuous period of not less than 12 months the Claims Officer shall cancel the award, and no payment of the arrears of that pension or allowance shall be made :

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension or allowance during such period he may condone the failure.

PART V.

PROVISIONS APPLICABLE TO AWARDS GENERALLY.

30. No payment under this Scheme shall, save as provided in clauses 11 and 18 be made in respect of any war injury sustained by a gainfully occupied person who is under the age of fifteen.

No awards in respect of war injuries to gainfully occupied persons under fifteen years of age.

31. (1) Except where the Claims Officer in any special case otherwise directs, an award under this Scheme shall not be made unless an application for that award is made in the manner prescribed by the regulations made under this Scheme and within the following periods, namely,

(a) where the claim is for a temporary allowance to a person incapacitated for work, a period of three months from the date of the qualifying injury, or if the incapacity first supervened after that period, a period of three months from

th inception of the incapacity :—

(b) where the claim is for a disability pension, a period of three months from the date of the qualifying injury, or if the injury necessitated immediate treatment in hospital, a period of three months from the date of discharge from hospital ;

(c) where the claim is for a family pension or child's allowance, a period of three months from the date of the death of the person whose death gave rise to the claim.

(2) The Claims Officer may refuse to entertain any application for any allowance or pension under this Scheme in respect of a qualifying injury sustained by a person who has, without sufficient cause, failed to present himself for treatment at a hospital, a dispensary or first aid post.

32. (1) The amount awarded to a person as temporary allowance when incapacitated or as disability pension when disabled shall be subject to the following modifications, namely :—

(a) where such person is a woman, the amount shall be reduced by 20 per cent.

(b) while such person is under the age of 18, the amount which would otherwise be payable shall be reduced by 25 per cent.

(c) while such person is under treatment in a hospital, the amount which would otherwise be payable shall be reduced by 20 per cent.

(2) the amount awarded as family pension or children's pensions or both in respect of a person dying as the result of a qualifying injury shall not exceed the amount which might have been awarded to that person had he qualified for a disability pension assessed on a disablement of 100 per cent.

33. Where the person entitled to a temporary allowance disability pension, family pension or child's allowance in respect of a qualifying injury is in receipt of a pension or allowance from public funds paid to him by reason of his having sustained that qualifying injury or as the case may be by reason of the death of another person as the result of that qualifying injury, he shall be allowed to draw only the amount if any, by which the pension or allowance to which he is entitled under this Scheme exceeds the pension or allowance referred to, received by him from public funds.

Payment under this Scheme not to be drawn in addition to other payment from public funds.

34. No person in receipt of an allowance or pension under this Scheme shall be allowed to draw another allowance or pension of a different kind under this Scheme until the allowance or pension, previously drawn is surrendered.

The payments under this scheme not to be drawn by same person:

35. (1) No award under this Scheme shall be made in respect of—
Awards when not be made:

(A) an injury sustained whether in or outside the State by a person resident outside the State or

(B) an injury sustained by a person ordinarily resident in the State while absent from the State for personal, domestic or pleasure purposes ;

Provided that nothing in this sub-clause shall preclude the making of an award in respect of —

(a) a war injury sustained by a civil defence volunteer or

(b) a war injury sustained by a person ordinarily resident in the State while travelling by air between any one place in the State and any other place in the State, or

(c) a war injury sustained in the State by a person ordinarily resident outside the State.

(2) The Claims Officer may withhold or cancel the award of any payment under this Scheme, if he is satisfied that the person to whom the award might be or has been made is or has become ordinarily resident outside the State.

36. Where the qualifying injury, or where the incapacity for work, disablement or death resulting from a qualifying injury is shown to the satisfaction of the Claims Officer to be mainly attributable to the negligence or misconduct of the person sustaining the injury, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury or may reduce amount of the award.

Effect of contributory negligence.

37. When the person sustaining a qualifying injury is a member of a civil defence organisation and it is shown to the satisfaction of the Claims Officer that such person when required by Government order to be present in a certain locality or at a certain post failed to be present or being present failed to remain in that locality or that post as the case may be, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury.

Effect of desertion of post by member of Civil Defence organisation.

38. Where a person who has sustained qualifying injury refuses to undergo medical treatment or an operation calculated to restore his health or to cure or reduce disablement caused by the qualifying injury and a competent medical authority certifies that such refusal is in the circumstances unreasonable, then —

(a) if the person dies, and a competent medical authority certifies that the death was due to the refusal to undergo medical treatment or an operation, no family pension or child's allowance shall be awarded ;

(b) If a competent medical authority certifies that medical treatment or an operation will cure the disablement caused by the qualifying injury, no disability pension shall be awarded and

(c) if a competent medical authority certifies that medical treatment or an operation will reduce the disablement to a lower percentage, a disability pension appropriate to that lower percentage only shall be awarded.

39. (1) Any person in receipt of a temporary allowance or disability pension shall, if required by the Claims Officer by notice in writing so to do, submit himself for medical examination by the competent medical authority ;

Provided that a person shall not be required so to present himself ;—

(a) if in receipt of a temporary allowance, at intervals of less than two months, or

(b) if in receipt of a disability pension which has not been awarded for life, at intervals of less than six months, or

(c) if in receipt of a disability pension which has been awarded for life, at intervals of less than two years.

(2) Where any person refuses or, without reasonable cause, fails to submit himself for medical examination when required so to do under sub-clause (1), the Claims Officer may cancel with effect from the date of such refusal or failure the award of allowance or pension made to that person.

(3) Where the award has been cancelled under the sub-clause (2), the Claims officer may refuse to entertain any subsequent application for an allowance or pension under the Scheme in respect of the injury for which the cancelled award was made.

40. If the person to whom a pension or allowance under this Scheme has been awarded has not attained the age of eighteen years, or if he is, in the opinion of the Claims Officer,

Where payee is incapable of managing his own affairs.

mentally firm so as to be incapable of managing his own affairs, or if in any other case the Claims Officer considers in the interest of that person, the Claims Officer, may either of his own motion or on application made to him, pay the pension or allowance to any other person whom the Claims Officer thinks best fitted to provide for the welfare of the person to whom the award has been made, or may apply the amount in any other manner for his benefit.

41. Where a person to whom a pension or allowance under this Scheme might be or has been awarded is convicted by a Court of an offence and sentenced to a term of imprisonment or detention in a Borstal school, the Claims Officer may withhold or cancel the award.

42. The Claims Officer may at any time review any award made under this Scheme and if it appears to him that by reason of a mistake of fact or a change in the condition or circumstances of the person to whom the award was made or for any other reason whatsoever it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded or cancel the award or make a fresh award.

Provided that no pension or allowance shall be increased beyond the limits specified in or for the purposes of this Scheme.

43. All matters falling to be decided under this Scheme in connection with the award of payments under the Scheme shall, where other specific provision is not made in this Scheme, be decided by the Claims Officer ; but in all matters relating to the extent or effect of injuries, the existence or non-existence of incapacity for work, and degrees of disablement, the Claims Officer shall decide in accordance with the opinion of or a certificate given by, a competent medical authority.

43. (1) An authority appointed in this behalf by the Government may, if it thinks fit and subject to sub-clause (2) review any award made or order passed under this Scheme by a Claims Officer.

(2) The provisions of clauses 42 and 43 shall apply *mutatis mutandis* to reviews under sub-clause (1),

44. The Government may at any time by notification in the Government Gazette alter the rate of payments which may be awarded under this Scheme.

45. Exceptional cases of hardship not covered by the provisions of this Scheme may be submitted by the Claims Officer to the Government which may make such orders as it thinks fit.

46. The Government or any officer authorised by the Government may, in accordance with any regulations made in this behalf, make payments for medical and surgical treatment provided for persons who have sustained qualifying injuries.

47. The Government may make regulations for giving effect to the purposes of this Scheme.

Power of Government
to make regulations.

SCHEDULE I.

1. The following organizations when established by the Government .—

- (a) Auxiliary Fire Service.
- (b) Control and Report Service.
- (c) Air-raid Warden Service.
- (d) Fire Prevention Service.
- (e) First aid, Casualty and Ambulance Service.
- (f) Rescue Service
- (g) Gas identification Service.
- (h) Decontamination Service.
- (i) Messenger Service.
- (j) Instructor Service.
- (k) Mortuary Service.
- (l) Such other Air Raid Precautions and civil defence organisations as may be notified by the Government.

2. The following organisations when recognised for the purposes of this Scheme by the Government.

Private organisations to carry out any of the following services :—

- (I) Decontamination Service.
- (II) Messenger Service.
- (III) Fire Service.
- (IV) Raid Spotter Service.
- (V) Keymen Service.
- (VI) Public Utility Emergency Repair Service.
- (VII) Auxiliary Nursing Service (A. R. P.) Branch.
- (VIII) Control and Report Service.
- (IX) Air Raid Warden Service.
- (X) Fire Prevention and Watchers Service.
- (XI) First Aid, Casualty and Ambulance Services.
(including drivers).
- (XII) Rescue Service
- (XIII) Instructor Service.
- XIV. Any other service designated in this behalf by order of the Government.

3. The Civil Pioneer Force.

3. Maharaja Guards.

SCHEDULE II.

(I) For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows :—

Serial No.	Specified injury.	per cent.
1	Loss of two or more limbs 100 Loss of an arm and an eye Loss of a leg and an eye Loss of both hands or of all fingers and thumbs Loss of both feet... .. Loss of a hand and a foot Total loss of sight... .. Total paralysis Lunacy Wounds, injuries or disease resulting in disabled man being permanently bed-ridden. Wounds of, or injuries to internal thoracic or abdominal organs, involving total permanent disabling effects. Wounds of, or injuries to, head or brain involving total permanent disabling effects or Jacksonian apilepsy. Very severe facial disfigurement Advanced cases of incurable disease	100
2	Amputation of right arm through shoulder... .. Amputation of leg at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter ; of right arm below shoulder with stump not exceeding 6 inches measured from tip of acromion ; or of left arm through shoulder.	90
3	Lisfranc operation, both feet Amputation of leg below hip with stump exceeding 5 inches in length measured from tip of great trochanter but not below	80

Serial No.

Specified injury

Per cent.

-
- middle thigh ; or left arm below shoulder with stump not exceeding 6 inches measured from top of acromion ; or of right arm below shoulder with stump exceeding 6 inches measured from tip of acromion, through elbow, or below elbow, with stump not exceeding 5 inches measured from tip of olecranon.
- 4 Severe facial disfigurement 70
 Total loss of speech
 Amputation of leg below middle thigh, through knee or below knee with stump not exceeding 4 inches, or left arm below shoulder with stump exceeding 6 inches measured from tip of acromion through elbow or below elbow, with stump not exceeding 5 inches measured from tip of olecranon ; or of right arm below elbow with stump exceeding 5 inches measured from tip of olecranon.
- 5 Total deafness
 Amputation of leg below knee with stump exceeding 4 inches.
- 6 Amputation of left arm below elbow with stump exceeding 5 inches measured from tip of olecranon 50
 Loss of thumb or fore fingers of right hand
 Loss of vision of one eye
- 7 Lisfranc operation one foot 40
 Loss of all toes both feet above knuckle.
 Loss of thumb or four fingers of left hand or three fingers of right hand.
- 8 Loss of all toes of one foot above knuckle. 30
 Loss of all toes of both feet at or below knuckle.
9. Limited restriction of movement of joints through injury without penetration,

Serial No.	Specsified injury.	Per cent.
	limited function of limb through fracture	20
9	Loss of two fingers of either hand	20
	Compound fracture of two or more fingers or of thumb of either hand with impaired function.	

II When the wound or injury or illness causing the disability is not entered in the above schedule, the disability shall be assessed by the medical board at the percentage shown in the above schedule mostly closely corresponding to it.

Regulation No.

In exercise of the powers conferred by clause 47 of the War Injuries Scheme, 1999, the Government are pleased to make the following Regulations, namely :—

1. These Regulations may be called the War Injuries Regulations, 1999.

Title.

2. In these Regulations "Scheme" means the War Injuries Scheme, 1999 ; "Form" means Form appended to these Regulations and other expressions have the same meaning as in the Ordinance or the Scheme.

3. (a) Every leader of a first-aid party shall attach to every casualty a tie-on label in Form A-1.

Casualty report.

(b) Every officer in-charge of a first-aid post shall maintain a record of cases coming to his post in Form A-2.

(c) Every person in-charge of a hospital or a dispensary shall maintain a record of war injuries or war service injuries treated and documents in the Forms BI, B2, B3 and B4. He shall also maintain a list of patients under treatment in Form B5.

(d) Every officer in charge of first-aid post or person in-charge of a hospital or a dispensary shall, as soon as possible after the admission of a person sustaining a war injury or a war service injury, send a signed report in the appropriate form to the Claims Officer.

(e) It shall be the duty of the police to ascertain the name and other particulars of all persons who are killed or who die before admission to hospital and report the circumstances to the Claims Officer, and every Police officer shall make such further reports as the Claims Officer may from time to time call upon him to do.

4. (a) The Government may constitute medical authorities, for such areas and for such purposes of the Scheme and these Regulations as the Government may deem necessary and consisting of such number of persons as they may think fit. Members of such Medical Authorities shall be registered Medical Practitioners or Medical Officers of Government, and if there is more than one member in any authority, one of them shall be appointed by the Government to be the President.

(b) The Claims Officer may refer any medical question to the Medical Authority for its opinion.

(c) For the purposes of certification of incapacity for work the Claims Officer shall ordinarily obtain a certificate from a Medical Officer not lower in rank than an Assistant Surgeon or such other Medical Practitioner as may be specified by Government.

(d) The Claims Officer shall ordinarily refer all cases relating to the grant of pensions to the Medical authority.

5. An application for temporary allowance shall be made in Form C to the Claims Officer by the persons who has sustained the qualifying injury, through the person in charge of the hospital or dispensary where he received or is receiving treatment, or if he did not receive treatment in any hospital or dispensary, through the officer in charge of the First Aid Post at which he received attention or the officer in-charge of the Police Station or Fire Aid Post to which the facts of his injury were reported.

6. (a) An application for a disability pension shall be made in Form D to the Claims Officer by the person who has sustained the qualifying injury, through the person in-charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or the registered Medical Practitioner who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.

(b) No application for a disability pension shall be entertained unless it is supported by a certificate of disability in Form E granted by a Medical authority; application there-

for shall be made to the Medical authority for the area in which the injured person resides by the injured person, or if he is incapable of making it himself, on his behalf by another person.

7. An application for a family pension or for a family pension and children's allowance shall be made in Form F to the Claims Officer by the person to whom payment thereof, if sanctioned, would be made under the provisions of the Scheme.

8. Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer may entertain any application made on such person's behalf by any other person.

9. The Claims Officer, on receiving an application for an allowance or pension under the Scheme and after considering the reports and certificates pertaining to the case and after obtaining such other evidence, if any as he considers necessary, shall make his award in Form G. He shall briefly record separately the reasons for his award. A signed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent; a true copy shall be sent to the Audit Officer specified for this purpose by the Government, together with attested specimens of the thumb and finger impressions of the payee and his signature, if literate; and another true copy shall be sent to the treasury where the payment is to be made.

10. The Claims Officer or the authority appointed under clause 43-A of the Scheme shall have the power to examine witnesses and call for such evidence as he considers necessary in the same manner as a civil Court under the provisions of the Code of Civil Procedure 1977 (Act X of 1977) and shall have, in particular, the powers conferred by section 32 of that Code.

11. (a) All allowances and pension under the Scheme shall be payable at the tehsil treasury within whose jurisdiction the payee ordinarily resides.

(b) All allowances and pensions shall be drawn within one month of the date when they are due. The Wazir-i-Wazarat concerned may, however, at his discretion make payment of full arrears within three months of the due date in the case of temporary allowances, and when the Claims Officer has condoned a delay under Section 10 of the Scheme, within three months of the date of the order condoning the

delay. In the case of other awards, similarly he may make payment of full arrears within one year of the due date or of the date of the order condoning any delay, as the case may be.

(c) All such payments from time to time be endorsed on the award by the Wazir-i-Wazarat.

12. On an application made to him by or on behalf of the holder of an award of any pension or allowance, the Claims Officer may, for sufficient reason, transfer the place of payment and shall endorse the award accordingly. He shall also inform the tehsil treasury concerned of the transfer so effected.

13. (a) With every award when presented for payment there shall be produced a certificate of life pertaining to the beneficiary or beneficiaries under the award, signed by a Gazetted Officer (in service or retired) of Government, a Magistrate or a Police Officer not below the rank of a Sub-Inspector, or any other person authorised by general or special order by the Government. Where the claimant is undergoing treatment as an in-patient at a hospital or dispensary, the certificate shall be signed by the person in-charge thereof.

Provided that where a beneficiary is present at the time of payment of an allowance or pension under the Scheme, no life certificate in respect of him shall be required but his identity shall be proved to the satisfaction of the Wazir-i-Wazarat.

(b) On every occasion when the award of a family pension or of a family pension and children's allowance is presented for payment, the person to whom the same is payable shall give a certificate in Form H.

14. (a) If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modification thereof to require under any of the said provisions the cancellation or modification of the award, a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon.

(b) On receipt of any such report, the Claims Officer shall after making such inquiries, if any, as he may deem necessary, cancel or modify the award in accordance with the provisions of the Scheme, and shall inform the treasury of payment accordingly.

FORM A-I.

CASUALTY LABEL OBVERSE.

Date.

Name.

Casualty Book No.

Father's or Husband's name.

Injury.

T M H G X.

Treatment.

Morphia, Dose and Time

Instructions.

{ T = Tourniquet
M = Morphia.
H = Haemorrhage.
G = Gas and contamination.
X = Immediate attention.

Officer in charge.

REVERSE.

(Red and Green labels).

Red: Direct to Hospital.

Green: To First Aid Post.

*Cross out where applicable.

If C. D. V. on duty/off duty.

(State source of information).

REVERSE.

(White labels).



White: Walking Case.

This card should be given to patients with minor injuries, sent home after treatment, with instructions, where necessary to present it at the nearest hospital for further treatment (on same or the next day).

The Casualty Book number should be entered on the card.



FORM A-2.

This copy to be preserved at F. A. P.
Casualty Book.

No.

F. A. Post.

Town and District.

Date and time of arrival.

Name. Age. Sex.

Father's or Husband's name.

Community. Caste.

Occupation. If C. D. V. on duty/off duty.

Address.

By whom brought.

Nature and cause of injury.
(Note if gassed).

Treatment.

This copy to be sent to the local A. R. P.
Head-quarters which will forward it to
the War Injuries Claims Officer
Casualty Book.

F. A. Post. No.

Town and District.

Date and time of arrival.

Name. Age. Sex.

Father's or Husband's name.

Community. Caste.

Occupation. If C. D. V. on duty/off duty.

Address.

By whom brought.

Nature and cause of injury.
(Note if gassed).

A. T. Serum.

Morphia, dose and time.

Disposal.

Medical Officer in charge.

When an injured person is sent home after treatment this form should be completed before he leaves the F. A. post and he should be given a casualty label on which should be entered the casualty book number.

Disposal.

Medical Officer in charge.

This copy should be completed and forwarded to the local A. R. P. Headquarters as soon as possible.

FORM B-1.

This copy to be retained in Hospital.

War Casualty.

In-patient Book.

Hospital.	No.
Town and District.	
Date of admission.	
Name.	Age.
Father's or Husband's name.	Sex.
Community.	Caste.
Address.	
Occupation.	(Note if C. D. V.)
Where first treated (with date).	
P. A Post at.....	
By whom brought.	
Date of injury.	
Name and probable cause of injury. (Note if gassed).	
Name and address of next of kin.	
Date of discharge.	
Transfer to out-patients Department.	

Medical Officer.

This copy to be sent to the War Injuries Claims Officer through local A. R. P. Headquarters.

War Casualty

In patient Book.

Hospital	No.
Town and District.	
Date of admission.	
Name.	Age.
Foather's or Husband's name.	Sex.
Community.	Caste.
Asppres.	
Occupation (Note if C. D. V.)	
Where first treated (with date).	
F. A, Post at.....	
By whom brought.	
Date of injury.	
Name and probable cause of injury. (Note if gassed).	
Name and address of next of kin.	
Date fo discharge	
Transfer to out-patients Department	

Medical Officer.

FORM B-2.

FORM B-2.

This copy to be retained in Hospital.

War Casualty.

Out patient Book.

Hospital/Dispensary No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.).

Where first treated (with date)

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D

Whether incapacitated for work.

Medical Officer

Date.

This copy to be sent to the Claims officer through local A. R. P. Headquarters.

War Casualty.

out-patient Book.

Hospital/Dispensary. No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.)

Where first treated (with date)

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D.

Whether incapacitated for work.

Medical Officer.

Date.

This copy to be given to the patient.

War Casualty.

Out-patient Book.

Hospital/Dispensary, No.

Town and District.

Name. Age.

Father's or Husband's name.

Community. Caste.

Address.

Occupation (note if C. D. V.).

Where first treated (with date).

F. A. Post.

Casualty Book No.

Whether ex-in patient.

Date of injury.

Probable cause of injury.

Date of first treatment in C. P. D.

Whether incapacitated for work.

Medical Officer.

Date.

Keep this carefully and take it with you when you go to the Hospital.

Date for further treatment and discharge.

Date. Whether incapacitated for work. Signature of M. O.

To be kept in the Hospital and filled up on each occasion when the patient is treated.

When discharged with "Discharged" and the date.

Particulars of any refusal to undergo treatment should be noted.

Dates for further treatment and discharge.

Date. Whether incapacitated for work. Signature of M. O.

FORM B-3.

WAR CASUALTY.

Discharge certificate.

Name (Capitals). Age.

Father's or Husband's name.

Address.

Was under In/Out patient treatment from to

at Hospital/Dispensary.

Town..... District.....

Casualty Book No.....Out patient Record No.....

In-patient Record No.....

Suffering from.....

.....

the result of war injury on

at

and was discharged on

MEDICAL OFFICER,

Date.....

.....Hospital.

(1) For the patient, (2) For the War injuries Claims Officer. (3) For the Hospital Record, or to be placed in large envelope. (Signature or Thumb impression of the patient on this to act as receipt).

1. Whether patient refused to undergo
any medical treatment ... Yes/No.
2. Whether still incapacitated for
work ... Yes/No.
3. Particulars of disability due to war
injury still continuing, if any.....
.....
4. Whether disability is capable of
improvement ... Yes/No/Doubt-
ful.

MEDICAL OFFICER.

FORM B-4.

WAR CASUALTY.

Cover for Medical History Documents.

Full name (in capitals).

Father's or Husband's name.

Community.

Caste.

Age

Occupation.

(Note if C. D. V.)

Address.

Date and place of injury.

Name and address of next of kin.

In-patient Record No.

Name of Hospital, Town and District.	Date of		Admission Record No.
	Admission.	Discharge or Transfer.	

This envelope will be prepared by the hospital to which a patient is first admitted and all medical documents relating to the case will be placed in this envelope, which with its contents should be transferred with the patient on transfer to another hospital, and on final discharge or death should be transmitted under cover to

FORM B-5.

STATEMENT OF IN/OUT PATIENTS WITH WAR INJURIES UNDER TREATMENT
ON THE 1ST/15TH OF.....20 .

Name.	Father's or husband's name:	Age/Sex.	Community.	Caste.	Whether out-patient (O. P.) or in-patient (I. P.)	No. in O. P. Book and date of last treatment.	Whether incapacitated for work on date of last treatment.	REMARKS.
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Serial No.

NOTES.—(1) If an out-patient fails to attend for a period of 14 days the fact should be noted in the “remarks” column.
(2) If a patient fails to attend for one month the fact should be noted, and his name should not be included in later lists.

MEDICAL OFFICER,

.....Dispensary/Hospital.

FORM C.

APPLICATION FOR TEMPORARY ALLOWANCE.

Claimant's full name (in capital).

Name of father (in the case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

What rate of allowance is claimed and justification for the claim.

Income before injury and source of the income.

Income after injury and source of the income.

Place where injury sustained.

Date of injury.

Cause of injury in detail.

Details of injury.

Whether attended to by A. R. P. volunteer, Maharaja's Guard, police or other organisation, if so details.

If taken to dispensary or hospital which and when?

If discharged from dispensary or hospital, when?

Did the injured person refuse medical treatment at a hospital or dispensary, and if so, why?

If attended to at residence by a medical practitioner details of place where treated and name of the medical practitioner.

Period of incapacity of work.

If temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1999 (other than that referred to above). I desire to draw the allowance, if sanctioned, at

Post Office.

(Signature of claimant).

Applicant's name.....

Father's name or Husband's name

Community or cast.....

In-patient Book No.....

Out-patient Book No

Date of admission as in-patient.....

Date of first treatment as out-patient.....

If discharged, date of discharge.....

Period during which, according to the hospital records, the
applicant was incapacitated for work (dates).....
From to

Whether at present incapacitated for work and, if so, probable
period during which incapacity will continue.....
.....

Did patient refuse any medical treatment? If so, give parti-
culars

MEDICAL OFFICER,

Date..... *Hospital/Dispensary.*

FORM D.

APPLICATION FOR DISABILITY PENSION

Claimant's full name (in capitals).

Name of father (in the case of
married woman, of husband).

Age.

Date of birth.

Caste

Profession.

Residence.

Nationality.

What rate of pension is claimed and
justification for the claim.

Income before injury and source of
the income.

Income after injury and source of
the income.

Place where injury sustained ... Date of injury.

Cause of injury in detail ...

Details of injury ...

Whether attended to by A R. P.
volunteer, Maharaja's Guard,
Police or other organisation, if so
details ?

If taken to dispensary or hospital,
which and when ?

If discharged from dispensary or
hospital when ?

Did the injured person refuse
medical treatment at a hospital,
or dispensary and if so, why ?

If attended to at the residence by a medical practitioner details of place where treated and name of medical practitioner.

If any temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I desire to draw the pension, if sanctioned at.....

Post Office.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1999 (other than that referred to above).

(SIGNATURE OF CLAIMANT).

FORM E.

CERTIFICATE OF DISABILITY.

Medical Authority.

Name of injured person (in capitals).

Name of Father (in case of married woman, of her husband).

Age.

Caste.

Residence.

Profession.

Nationality.

Date of examination by the authority.

Particulars of disability and probable cause.

Degree of disability in terms of clause 11 of the War injuries Scheme 1999.

Is the disability capable of improvement ?

If not, estimate probable further duration of disability and state if the person should be put up for the examination again, and when.

SIGNATION OF MEMBERS OF THE AUTHORITY.

FORM F.

APPLICATION FOR FAMILY PENSION AND CHILDREN'S
ALLOWANCE.

Applicant's full name (in capitals).

Name of father (in case of married
woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence.

Nationality.

Relationship with deceased.

Income of applicant before death
of deceased and source of such
income.

Income of applicant after death of
deceased and source of such in-
come.

Full name of deceased (in capital).

Place of death.

Cause of death.

Was deceased attended to by
A. R. P. volunteer, Maharaja's
Guard, police or other organis-
ation if so, details.

If deceased received any medical
treatment, details thereof includ-
ing place where received.

If deceased died in any hospital or
dispensary, state details.

If not give any other proof of death,

e. g. affidavits, or/any certificates by a gazetted officer, Magistrate, or sub-inspector of police.

Did deceased draw any allowance under the War Injuries Scheme, 1999, prior to death, if so details as to award, rate and amount drawn prior to death.

Is any special pension or allowance awarded from public funds in respect of the death of the deceased.

If deceased has any of the following relatives living at the time of his death, give details * in respect of each :—

Widow, or widows, father, mother, actual and legitimate son (s), actual and legitimate daughter (s), State also if any has since died, or whether any female relative has since married or unmarried.

Date of birth	... Age	...	} In the case of all eligible re- latives.
Residence	... If staying else- where than.		

With applicant state details ...

In the case of daughter.....
whether married.

*If necessary, this may be done on a sheet to be attached and Signed.

In the case of children.....
Guardian, if any other than ap-
plicant.

If any of the said relatives or the
applicant.

(1) draws any other pension from
public funds, state details as to
source and amount.

(2) holds any appointment under
Government or local authority, state
details and rate of emoluments.

Amount and particulars of the
claims made :—

I desire to draw the pension (and
allowance), if sanctioned, at.....
.....Treasury.

I certify that the information furnished in the statement
is to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or
allowance under the War Injuries Scheme, 1999.

(SIGNATURE OF CLAIMANT).

FORM G.

AWARD UNDER THE WAR INJURIES SCHEME, 1999.

Claimed Officer for.

(area).

Name.

Name of person receiving war
injury killed.

Residence.

Age.

Profession.

Caste.

Nationality.

Pension or allowance in favour of
(block capitals).

Name of father of such person (in
the case of married woman, of
husband).

Description of such person.

Age.

Residence.

Caste.

Profession.

Nature of award (state whether
temporary allowance, disability
pension, or family pension and
children's allowance).

Amount of pension or allowance Rs.
per

In the case of children's allowance,
particulars of amount and children
in respect of whom made stating
their dates of birth.

Guardian, if any.

Period for which pension is
sanctioned, with the date of
commencement.

Payable at Treasury.
on the of each

Date and signature of
Claims Officer.

Forwarded to the payee through
the Tehsildar of
Wazir Wazarat.

..... District,

Period.	Amount.	Signature or thumb impression of payee.	Signature of Treasury Officer or other autho- rised officer.	Date stamp of office.
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FORM II.

CERTIFICATE OF CONTINUING ELIGIBILITY.

I(name, father's or husband's name and address).....being the person to whom the family pension (and children's allowance) (s) sanctioned under Award No.....is/are payable, hereby certify.

(I) that I remain eligible under the provisions of the War Injuries Scheme, 1999, to receive the same, and

(II) that no circumstances have arisen since the making (of the last modification) of the said award which under any of the said provisions would operate to require the cancellation or (further) modification of the said Award.

Date.....

.....
(Signature or thumb impression)

(To be countersigned, in cases where the payee is not present in person at the Treasury of payment, by a Gazetted Officer of Government, a Magistrate or a Police Officer not below the rank of Sub-Inspector or any other person authorised by general or special order by the Government).



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